

Pearce, Jennifer

From: Bouma, Stacey
Sent: Wednesday, July 30, 2014 5:56 PM
To: Hom, Michael
Subject: FW: [EXTERNAL] RE: Lake Alice - photos from USACE site visit(UNCLASSIFIED)
Attachments: IMG_0955.JPG; IMG_0950.JPG

-----Original Message-----

From: Hammonds, Justin A SAS [mailto:Justin.A.Hammonds@usace.army.mil]
Sent: Wednesday, July 30, 2014 5:06 PM
To: Bouma, Stacey
Subject: FW: [EXTERNAL] RE: Lake Alice (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

FYI

-----Original Message-----

From: Hammonds, Justin A SAS
Sent: Thursday, June 26, 2014 9:04 AM
To: 'Scott Morgan'
Cc: Freas, Kathrine M SAS; Crosby, David E SAS
Subject: RE: [EXTERNAL] RE: Lake Alice (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Scott:

I had an opportunity to go out and take a look at the progress they had made at Lake Alice on Tuesday. I have attached a couple of photos from my time there. I am currently satisfied with the status of the maintained BMP's onsite, as the creek at Sanders Road was running clear (i.e., no signs of suspended fines/turbidity in the water column). Please let me know if this changes and I can go out take another look. Thanks

Justin

-----Original Message-----

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, June 24, 2014 11:31 AM
To: Freas, Kathrine M SAS; Hammonds, Justin A SAS
Subject: [EXTERNAL] RE: Lake Alice (UNCLASSIFIED)

There is also new sediment in the creek, and I expect in the cove, as a direct result of their disturbance activity and failed BMP's.

Scott H. Morgan, Director

Cumming Department of Planning & Zoning

100 Main Street

Cumming, Georgia 30040

(O) 770-781-2024

(F) 770-781-2029

s.morgan@cityofcumming.net

-----Original Message-----

From: Freas, Kathrine M SAS [mailto:Kathrine.M.Freas@usace.army.mil]

Sent: Tuesday, June 24, 2014 10:38 AM

To: Scott Morgan; Hammonds, Justin A SAS; Freas, Kathrine M SAS

Subject: Lake Alice (UNCLASSIFIED)

Importance: High

Classification: UNCLASSIFIED

Caveats: NONE

Scott,

Justin and I are in a meeting until lunch time but we listened to your message during a quick break-- unfortunately, sediment eroding into the creek as the result of rainfall is outside our purview. That's what we consider a non-point source discharge and will need to be handled by the state EPD. Sorry we can't help you on this one!

Katie Freas

US Army Corps of Engineers

Project Manager, Piedmont Branch

1025 Buford Dam Road, Buford, Georgia 30518 (Physical) Post Office Box 528, Buford, Georgia 30515 (Mailing) Phone (678) 804-5226 Fax (770) 904-2342

Thank you in advance for completing our Customer Survey Form. This can be accomplished by visiting our website at http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0 <http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0> , and completing the survey online. We value your comments and appreciate your taking time to complete a survey each time you interact with our office.

Please see our Avatar website for additional information concerning the Savannah District's Regulatory Program: <http://www.sas.usace.army.mil/Missions/Regulatory.aspx> <<http://www.sas.usace.army.mil/Missions/Regulatory.aspx>>

Classification: UNCLASSIFIED

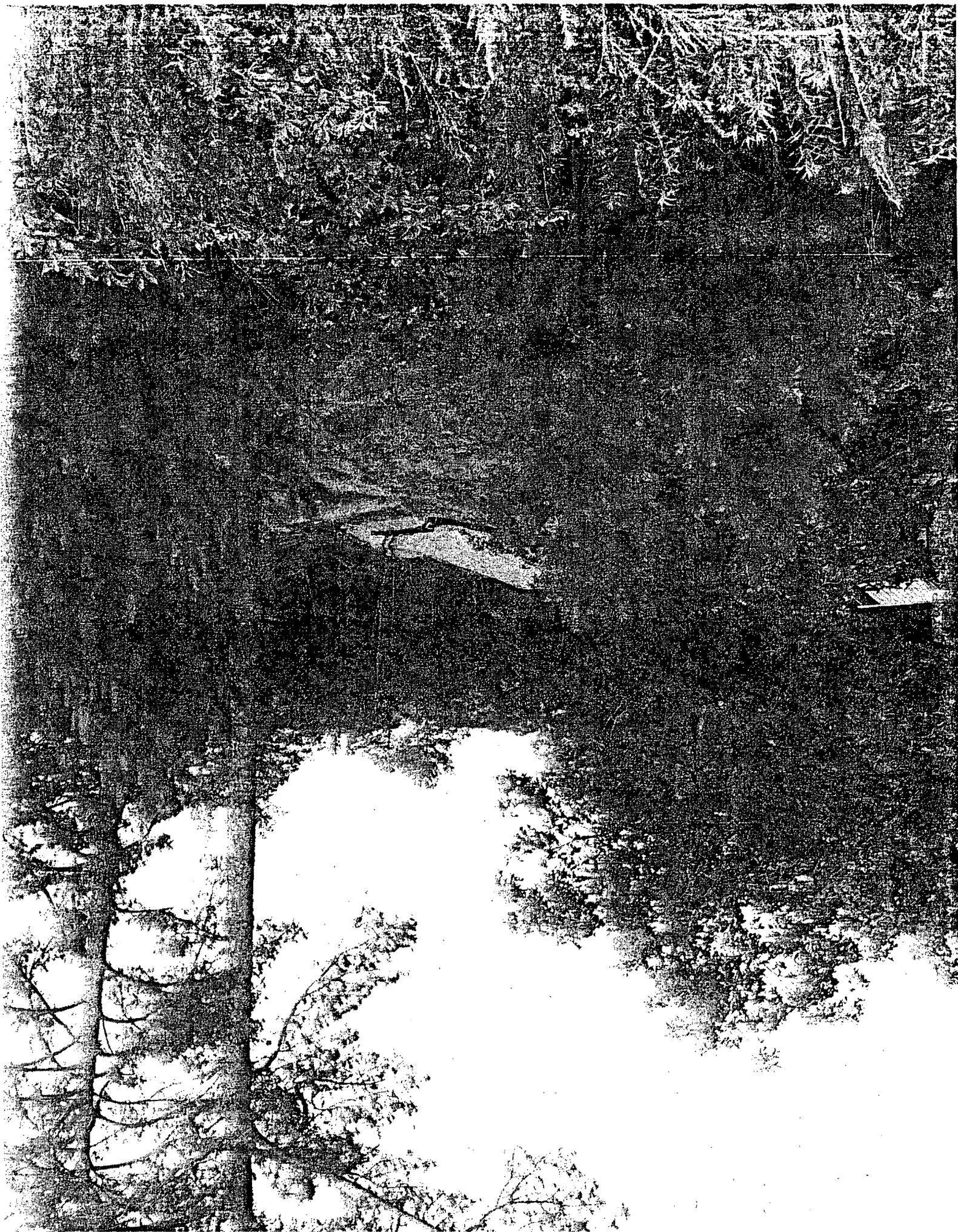
Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE

Classification: UNCLASSIFIED

Caveats: NONE





Pearce, Jennifer

From: Hom, Michael
Sent: Tuesday, July 01, 2014 9:51 AM
To: Bouma, Stacey
Subject: FW: [SPAM] FW: Lake Alice Remediation - Stop Work Order
Attachments: removed.txt

Stacey,

I received a voicemail message from a Ms. Jennifer Pennington, Esq., who represents the Mashburn family. I'll forward you the voicemail message, but wanted to provide some background that the City of Cumming forwarded to me. She will probably ask why we are involved, given the circumstances below. Who should return Ms. Pennington's call?

From: Everett Thompson [mailto:e.thompson@cityofcumming.net]
Sent: Tuesday, July 01, 2014 9:29 AM
To: Hom, Michael
Subject: [SPAM] FW: Lake Alice Remediation - Stop Work Order

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Friday, June 27, 2014 11:20 AM
To: 'Dana B. Miles'; Kevin Tallant
Cc: Everett Thompson
Subject: RE: Lake Alice Remediation - Stop Work Order

Dana,

When we were on-site last Thursday, June 19, 2014 at 10:00 AM with the GAEPD and the USACOE, we noted that the silt fence along the stream had only been partially installed, no hay bales were placed between the partial double row present and the slopes were not matted, seeded or strawed. We also observed red coloration at that time coming from the sheer cut above the stream bank and running into the stream. There were several hay bales staked along the stream bank and Justin Hammonds (USACOE Regulatory) stated these needed to be at or above the high water mark of the stream. Jeff Bishop of the GAEPD stated he was very concerned about the sheer cuts and slopes and suggested that in addition to completing the double-row silt fence with hay bales, as well as matting, seeding and strawing all the exposed areas and slopes, that some form of in-stream sediment capture would be necessary, since he was certain sediment would continue to enter the stream from the site until this entire area was established, particularly if there was a rain event. As a result of Jeff's comments, sedimats were installed in the stream on Tuesday, June 24, 2014, after Monday's rain event. There was a general consensus of this group at that site visit that any rain events could be problematic for erosion and sediment control, based upon existing conditions of the site at that time.

When Brad Boyer, PE, from Schnabel Engineering was on site Monday, June 23 2014 at approximately 5:30 PM, he noted that that the area where the soil had been stockpiled and spread out was not covered and no silt fence was installed. He also noted the drive leading to the footbridge had a small berm across it, but there were two adjacent areas not covered and silt fence in that upper area had not been installed. He also noted that the area where a road had been installed across the northern spillway did not have silt fence along it and the silt fence at the bottom of the spillway adjacent to the stream was inadequate and sediment was entering the stream. Staff on-site informed us that road and silt fence was installed by "others" when the millhouse was disassembled and removed, however, as we informed them; when you assume control over a site you are responsible for the entire site, particularly where previous BMP's were

installed, in order to insure they were installed properly and have been maintained as such. In this instance, that was clearly not the case.

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Brad Boyer was on-site during the June 19 site visit. He was also on-site daily Monday thru Friday of last week during the demolition of the northern abutment and is preparing me a summary report, including photographs, which he will send to me on Monday. He was also on-site this week Monday, Wednesday, will be there today, has observations and photographs, which he will also include in his summary report. Michael Hom, EPA Enforcement Inspector, will be at our office on Monday morning to review our file information and then will accompany Everett to the site for an inspection.

During my site visit with Tony Campbell yesterday from 10:32 AM to 10:55 AM, I walked the and looked at the site. I informed Nicholas DiLuzio and Brian Wellington of Newfields by telephone yesterday that they can resume non land disturbing activities on the southern abutment, such as cutting and removing trees from it. I don't know what "necessary testing to design the weir" entails, but if it's simply soil boring they could do that also. I also informed them, that Everett will be back on-site Monday to review their reinstalled BMP's and the status of his SWO. At no time did I state to either Nicholas DiLuzio or Roger Daniels of American Environmental Construction Services, Inc. that I "found the site in full compliance." I cannot speak to what Tony Campbell told them, but since it's the City's SWO and not the GAEPD's, his comments are irrelevant as to the SWO status.

As the Local Issuing Authority under the Georgia Water Quality Control Act (Act), the City has the authority to issue a SWO for stormwater discharge violations according to the Act. In Everett's opinion those violations occurred and a SWO was warranted. As mentioned previously above, in Everett's opinion, their BMP's were either not designed, installed or maintained properly.

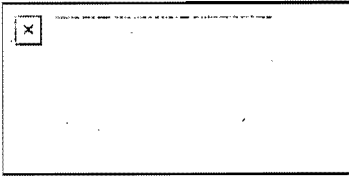
Please let me know if you have any questions.

Thanks,
Scott

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

From: Dana B. Miles [<mailto:dmiles@mphtlaw.com>]
Sent: Thursday, June 26, 2014 5:19 PM
To: Scott Morgan
Subject: FW: Lake Alice Remediation - Stop Work Order

Dana B. Miles
Miles Patterson Hansford Tallant, LLC
202 Tribble Gap Road, Suite 200
Cumming, GA 30040
770-781-4100
dmiles@mphtlaw.com



From: Jennifer Pennington [<mailto:jlp@carvalholawfirm.com>]
Sent: Thursday, June 26, 2014 5:17 PM
To: Dana B. Miles; Kevin Tallant
Cc: Michael Carvalho; Erin Pinder
Subject: Lake Alice Remediation - Stop Work Order

Dana,

We are writing to request your immediate attention to a time sensitive matter. As you may know, on June 24, 2014, Inspector Everett Thompson issued a Stop Work Order ("SWO") at the Lake Alice dam remediation site based on the alleged release of sediment into State and U.S. waters. The Code of Ordinances for the City of Cumming authorizes the LIA to issue an immediate stop-work order when "significant amounts of sediment ... have been or are being discharged into state waters and where [BMPs] have not been properly designed, installed, and maintained." However, there is **no evidence** that significant amounts of sediment were discharged into state/U.S. waters at the Lake Alice site, nor was Mr. Thompson able to identify any BMPs on the Lake Alice dam site that had been improperly designed, installed and/or maintained.

In fact, at around 2.30 p.m. on June 23, 2014, it rained at the dam site. Prior to the rain event, all slopes had been matted, seeded, and strawed. Double row silt fence had also been installed per the dam demolition plan along the entire perimeter of the site and the entire site was covered with matting, seeded and strawed. The additional BMPs discussed during the meeting with GAEPD, USACE and Scott Morgan on June 17, 2014, had been installed with the exception of one control measure that was being transported to the site. Following the rain event, Dr. Wellington performed a site inspection and found that no sediment had left the site and no significant discharge of sediment to State/U.S. waters had occurred. As such, we maintain that the SWO was improperly issued.

Nonetheless, Dr. Wellington and our contractor suggested several "fixes" to address Mr. Thompson's allegation that sediment had been released from the site. Mr. Thompson agreed to lift the SWO if the following activities were completed:

- Install a construction entrance of stone.

- Install silt fence, seed and straw the stock pile.
- Install silt fence at the end of the old spillway.
- Install silt fence on the access road to the east of the excavation area.

These BMPs were installed on the site even though the activities on the dam project site had not discharged sediment from these areas into State/U.S. waters.

At approximately 6 pm yesterday, Dr. Wellington emailed Scott Morgan and GA EPD representatives Jeff Bishop and Tony Campbell stating that the above-described "fixes" had been installed and requesting that the City and GA EPD inspect the site at their earliest convenience. Mr. Morgan and Mr. Campbell inspected the site this morning at approximately 11 am and found that sediment was not being discharged from the site and/or released into waters of the State/US. However, it is our understanding that Mr. Morgan refused to lift the SWO, stating that "City policy" requires the SWO to be lifted by the individual who issues the SWO, i.e. Mr. Thompson. Mr. Thompson will be out of the office on vacation until Monday, June 30th.

Mr. Morgan's current position regarding the SWO is completely unfounded and arbitrary. Nothing in the City's Ordinances, State law or policy or any other legal authority authorizes Mr. Morgan to unilaterally prohibit us from proceeding with the dam demolition work at this point. We have fulfilled the baseless requirements imposed by Mr. Thompson. GA EPD and Mr. Morgan himself have found the site in full compliance. Yet, the SWO remains in place prohibiting us from conducting necessary testing to design the weir, not to mention the added cost and expense of having our consultants and equipment standing idle on the site for days.

Please contact me or Mike as soon as possible to discuss this matter. My cell phone number is listed below and Mike's cell phone number is 770-598-4514.

Thank you.

Jennifer L. Pennington, Esq.
CARVALHO & ASSOCIATES, P.C.

(678) 354-0066 – Atlanta
(978) 525-0305 – Boston
(855) 273-1920 – Toll Free
(404) 990-2900 – Cell
jlp@carvalholawfirm.com

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Marietta, GA 30064

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Manchester-by-the-Sea, MA
01944-1593

CARVALHO & ASSOCIATES specializes in civil litigation, environmental and energy law, real estate and business matters. For more information about our law practice, please visit: www.carvalholawfirm.com

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Pearce, Jennifer

From: Hom, Michael
Sent: Thursday, June 26, 2014 4:52 PM
To: morgan@cityofcumming.net; Bouma, Stacey
Subject: FW: Lake Alice dam demolition

Mr. Morgan,
Stacey asked me to contact you and make arrangements for any assistance we can offer. I am available to visit the site on Monday or Tuesday of this coming week. I also would like to review the stormwater permit and your files, if possible. I know we've been playing phone tag. I will try to call again.
Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9748 office
404-562-9729 fax

CONFIDENTIALITY NOTICE

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From: Bouma, Stacey
Sent: Thursday, June 26, 2014 12:52 PM
To: Hom, Michael
Subject: FW: Lake Alice dam demolition

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Thursday, June 26, 2014 11:59 AM
To: Bouma, Stacey
Subject: Lake Alice dam demolition

Ms. Bouma:
At the request of the GAEPD and the USACOE, I need to discuss a matter with you regarding the above-referenced project. I contacted Mr. Ireland but understand he will be out of the office until Monday, June 30th.
Please contact me at your earliest convenience.
Thank you.

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

Pearce, Jennifer

From: Hom, Michael
Sent: Thursday, June 26, 2014 5:13 PM
To: s.morgan@cityofcumming.net
Cc: Bouma, Stacey
Subject: FW: Lake Alice dam demolition

Mr. Morgan,

To confirm our conversation, I will call Everett Monday morning to arrange a file review and site visit. We are available to provide any assistance that we can provide. My contact info is below.

Mike

Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9748 office
404-562-9729 fax

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(F) 770-781-2029
s.morgan@cityofcumming.net

Pearce, Jennifer

From: Hom, Michael
Sent: Friday, July 25, 2014 7:17 AM
To: Bouma, Stacey; Hicks, Matt
Subject: FW: Lake Alice dam demolition SWO
Attachments: img055.pdf

fyi

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 4:02 PM
To: Hom, Michael
Cc: Everett Thompson
Subject: Lake Alice dam demolition SWO

Mike,
Per your request, attached is a copy of our SWO.

I am meeting Jeff Bishop of GAEPD tomorrow morning on-site and will communicate EPA's position on this matter.

After communications with USACOE and GAEPD staff, in my opinion enforcement in this situation will have to come from your office.

Please let me know if you need anything else.

Thanks,
Scott

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
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Your message is ready to be sent with the following file or link attachments:

img055.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

STOP WORK ORDER

PERMIT NUMBER 2014201

VIOLATION: Release of sediment into state waters and waters of the U.S. per USCOE determination.

All work must be stopped immediately. Failure to comply will result in the issuance of a citation by the City of Cumming. Only work performed to correct the problems noted above can be continued under this stop work order. Work can continue only after inspection and release of SWO by the Building Official of the City of Cumming.

Everett Thompson
City of Cumming Building Official
770-781-2024
e.thompson@cityofcumming.net

Inspector Everett Thompson
Date June 24, 2014

Pearce, Jennifer

From: Everett Thompson <e.thompson@cityofcumming.net>
Sent: Tuesday, July 01, 2014 9:29 AM
To: Hom, Michael
Subject: [SPAM] FW: Lake Alice Remediation - Stop Work Order
Attachments: removed.txt

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Friday, June 27, 2014 11:20 AM
To: 'Dana B. Miles'; Kevin Tallant
Cc: Everett Thompson
Subject: RE: Lake Alice Remediation - Stop Work Order

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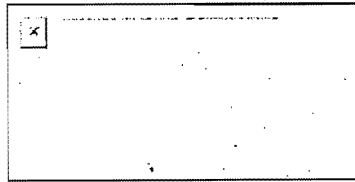
Please let me know if you have any questions.

Thanks,
Scott

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

From: Dana B. Miles [<mailto:dmiles@mphtlaw.com>]
Sent: Thursday, June 26, 2014 5:19 PM
To: Scott Morgan
Subject: FW: Lake Alice Remediation - Stop Work Order

Dana B. Miles
Miles Patterson Hansford Tallant, LLC
202 Tribble Gap Road, Suite 200
Cumming, GA 30040



From: Jennifer Pennington [<mailto:jlp@carvalholawfirm.com>]
Sent: Thursday, June 26, 2014 5:17 PM
To: Dana B. Miles; Kevin Tallant
Cc: Michael Carvalho; Erin Pinder
Subject: Lake Alice Remediation - Stop Work Order

Dana,

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In fact, at around 2.30 p.m. on June 23, 2014, it rained at the dam site. Prior to the rain event, all slopes had been matted, seeded, and strawed. Double row silt fence had also been installed per the dam demolition plan along the entire perimeter of the site and the entire site was covered with matting, seeded and strawed. The additional BMPs discussed during the meeting with GAEPD, USACE and Scott Morgan on June 17, 2014, had been installed with the exception of one control measure that was being transported to the site. Following the rain event, Dr. Wellington performed a site inspection and found that no sediment had left the site and no significant discharge of sediment to State/U.S. waters had occurred. As such, we maintain that the SWO was improperly issued.

Nonetheless, Dr. Wellington and our contractor suggested several "fixes" to address Mr. Thompson's allegation that sediment had been released from the site. Mr. Thompson agreed to lift the SWO if the following activities were completed:

- Install a construction entrance of stone.
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- Install silt fence at the end of the old spillway.
- Install silt fence on the access road to the east of the excavation area.

These BMPs were installed on the site even though the activities on the dam project site had not discharged sediment from these areas into State/U.S. waters.

At approximately 6 pm yesterday, Dr. Wellington emailed Scott Morgan and GA EPD representatives Jeff Bishop and Tony Campbell stating that the above-described "fixes" had been installed and requesting that the City and GA EPD inspect the site at their earliest convenience. Mr. Morgan and Mr. Campbell inspected the site this morning at approximately 11 am and found that sediment was not being discharged from the site and/or released into waters of the State/US. However, it is our understanding that Mr. Morgan refused to lift the SWO, stating that "City policy"

requires the SWO to be lifted by the individual who issues the SWO, i.e. Mr. Thompson. Mr. Thompson will be out of the office on vacation until Monday, June 30th.

Mr. Morgan's current position regarding the SWO is completely unfounded and arbitrary. Nothing in the City's Ordinances, State law or policy or any other legal authority authorizes Mr. Morgan to unilaterally prohibit us from proceeding with the dam demolition work at this point. We have fulfilled the baseless requirements imposed by Mr. Thompson. GA EPD and Mr. Morgan himself have found the site in full compliance. Yet, the SWO remains in place prohibiting us from conducting necessary testing to design the weir, not to mention the added cost and expense of having our consultants and equipment standing idle on the site for days.

Please contact me or Mike as soon as possible to discuss this matter. My cell phone number is listed below and Mike's cell phone number is 770-598-4514.

Thank you.

Jennifer L. Pennington, Esq.
CARVALHO & ASSOCIATES, P.C.

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(855) 273-1920 – Toll Free
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01944-1593

CARVALHO & ASSOCIATES specializes in civil litigation, environmental and energy law, real estate and business matters. For more information about our law practice, please visit: www.carvalholawfirm.com

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Pearce, Jennifer

From: Hom, Michael
Sent: Wednesday, July 30, 2014 3:22 PM
To: Bouma, Stacey; Hicks, Matt
Subject: FW: Lake visit

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Wednesday, July 30, 2014 3:16 PM
To: 'Bishop, Jeffery'; Tony Campbell
Cc: Hom, Michael; Everett Thompson
Subject: RE: Lake visit

We saw in Brian's response to Tony they claimed they did not disturb all the matted areas, including the access cut by Sembler to the southern abutment and to the former millhouse location adjacent to the northern abutment. This is similar logic they tried to employ saying they were not responsible for BMP's installed by others on the site, specifically at the toe of the northern spillway, which they filled in during their demolition. They have used both these access drives for their work, which needs to be included in the calculation of disturbed area, and they need to be responsible for maintaining them as the permittee for the site. They need to produce a stamped survey showing all this area, including the stockpile, as the total disturbed area for this site, and we agree with your assessment that it exceeds one acre. Please let us know when they have produced the survey.
Thanks.

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

From: Bishop, Jeffery [mailto:Jeffery.Bishop@dnr.state.ga.us]
Sent: Wednesday, July 30, 2014 1:25 PM
To: Scott Morgan
Cc: Campbell, Tony
Subject: RE: Lake visit

In my review of the memos, the last one about emergency repairs and the one on maintenance before it when there is a non-erodible drainage structure seem to get close to our situation at Lake Alice but not completely. I think the bottom line is that the "within 200' of state waters" criteria seems to not be a factor but certainly if the disturbance is equal to or greater than one acre then an NOI is needed. I think they originally intended to remain below the acre threshold but have likely gone over it now. A survey should show.
Thanks

Jeff E. Bishop
Department of Natural Resources
Environmental Protection Division

Mountain District – Atlanta Office
4244 International Parkway, Suite 114
Atlanta, Ga. 30354

Office: 404/362-2659
Fax: 404/362-2712
Cell: 404/772-7758

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Wednesday, July 30, 2014 12:34 PM
To: Bishop, Jeffery
Subject: RE: Lake visit
Importance: High

Jeff, I was not able to locate the memo you referenced in our conversation last week. Can you either direct me specifically to it or send it to me? Thanks, Scott

From: Bishop, Jeffery [<mailto:Jeffery.Bishop@dnr.state.ga.us>]
Sent: Wednesday, July 23, 2014 4:03 PM
To: Scott Morgan
Subject: RE: Lake visit

Can we meet at the entrance to the Mashburn property at Sanders Rd?

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Wednesday, July 23, 2014 3:21 PM
To: Bishop, Jeffery
Cc: Everett Thompson (e.thompson@cityofcumming.net)
Subject: RE: Lake visit

Sounds good, see you then.

----- Original message -----

From: "Bishop, Jeffery"
Date: 07/23/2014 14:59 (GMT-05:00)
To: "Scott Morgan (s.morgan@cityofcumming.net)"
Cc: "Everett Thompson (e.thompson@cityofcumming.net)"
Subject: Lake visit

How about Friday morning around 10 am?

Jeff E. Bishop

Department of Natural Resources

Environmental Protection Division

Mountain District – Atlanta Office

4244 International Parkway, Suite 114

Atlanta, Ga. 30354

Office: 404/362-2659

Fax: 404/362-2712

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From: Hom, Michael
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Office: 404/362-2659
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Subject: RE: Lake visit
Importance: High

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From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Wednesday, July 23, 2014 3:21 PM
To: Bishop, Jeffery
Cc: Everett Thompson (e.thompson@cityofcumming.net)
Subject: RE: Lake visit

Sounds good, see you then.

----- Original message -----

From: "Bishop, Jeffery"
Date: 07/23/2014 14:59 (GMT-05:00)
To: "Scott Morgan (s.morgan@cityofcumming.net)"
Cc: "Everett Thompson (e.thompson@cityofcumming.net)"
Subject: Lake visit

How about Friday morning around 10 am?

Jeff E. Bishop

Department of Natural Resources

Environmental Protection Division

Mountain District – Atlanta Office

4244 International Parkway, Suite 114

Atlanta, Ga. 30354

Office: 404/362-2659

Fax: 404/362-2712

Cell: 404/772-7758

Pearce, Jennifer

From: Hom, Michael
Sent: Thursday, July 24, 2014 2:56 PM
To: Bouma, Stacey
Subject: FW: FW: Lake Alice dam demolition

Not sure what Scott means by "enforcement". Let's discuss at first opportunity.

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 1:46 PM
To: Hom, Michael
Subject: RE: FW: Lake Alice dam demolition

I regret you have not received it and will send it today, myself, so you will have it upon return to your office.

I will share your position with Jeff Bishop from EPD tomorrow when I meet him on-site.

Please follow-up with me next week because I believe enforcement in this situation will only occur if it comes from your office. Thanks.

----- Original message -----

From: "Hom, Michael"
Date: 07/24/2014 13:02 (GMT-05:00)
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

I have not received your info yet. I've not heard from Ga EPD either. However, my office has been closed this week because of no power and no telephone service.

I was supposed to talk to my supervisor this week also, but again, our building is closed. I expect the EPA's position is still that an NOI is required.

Mike

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 11:39 AM
To: Hom, Michael
Cc: Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Have you received this information? Also, have you spoken further with EPD regarding an NOI for this project? We are meeting them on-site tomorrow. Please let me know. Thanks.

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Tuesday, July 15, 2014 9:07 AM
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

Ok. Also, when you have time, could you send an electronic copy of the City's stop work order and resolution. Thanks.

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Tuesday, July 15, 2014 8:54 AM
To: Hom, Michael
Cc: Bouma, Stacey; Bishop, Jeffery
Subject: RE: FW: Lake Alice dam demolition

In fact, Tony called this morning and will be meeting Everett on - site shortly. Thank you for your assistance in this matter.

----- Original message -----

From: "Hom, Michael"
Date: 07/15/2014 07:57 (GMT-05:00)
To: Scott Morgan
Cc: "Bouma, Stacey"
Subject: RE: FW: Lake Alice dam demolition

Based on your email, I assume Tony has not contacted you yet. I'll call him later and get the project under the general construction stormwater permit.

From: Hom, Michael
Sent: Tuesday, July 01, 2014 9:52 AM
To: Bouma, Stacey
Subject: FW: [SPAM] FW: Lake Alice Remediation - Stop Work Order

Stacey,

I received a voicemail message from a Ms. Jennifer Pennington, Esq., who represents the Mashburn family. I'll forward you the voicemail message, but wanted to provide some background that the City of Cumming forwarded to me. She will probably ask why we are involved, given the circumstances below. Who should return Ms. Pennington's call?

From: Everett Thompson [<mailto:e.thompson@cityofcumming.net>]
Sent: Tuesday, July 01, 2014 9:29 AM
To: Hom, Michael
Subject: [SPAM] FW: Lake Alice Remediation - Stop Work Order

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Friday, June 27, 2014 11:20 AM
To: 'Dana B. Miles'; Kevin Tallant
Cc: Everett Thompson
Subject: RE: Lake Alice Remediation - Stop Work Order

Dana,

When we were on-site last Thursday, June 19, 2014 at 10:00 AM with the GAEPD and the USACOE, we noted that the silt fence along the stream had only been partially installed, no hay bales were placed between the partial double row present and the slopes were not matted, seeded or strawed. We also observed red coloration at that time coming from the sheer cut above the stream bank and running into the stream. There were several hay bales staked along the stream bank and Justin Hammonds (USACOE Regulatory) stated these needed to be at or above the high water mark of the stream. Jeff Bishop of the GAEPD stated he was very concerned about the sheer cuts and slopes and suggested that in addition to completing the double-row silt fence with hay bales, as well as matting, seeding and strawing all the exposed areas and slopes, that some form of in-stream sediment capture would be necessary, since he was certain sediment would continue to enter the stream from the site until this entire area was established, particularly if there was a rain event. As a result of Jeff's comments, sedimats were installed in the stream on Tuesday, June 24, 2014, after Monday's rain event. There was a general consensus of this group at that site visit that any rain events could be problematic for erosion and sediment control, based upon existing conditions of the site at that time.

When Brad Boyer, PE, from Schnabel Engineering was on site Monday, June 23 2014 at approximately 5:30 PM, he noted that that the area where the soil had been stockpiled and spread out was not covered and no silt fence was installed. He also noted the drive leading to the footbridge had a small berm across it, but there were two adjacent areas not covered and silt fence in that upper area had not been installed. He also noted that the area where a road had been installed across the northern spillway did not have silt fence along it and the silt fence at the bottom of the spillway adjacent to the stream was inadequate and sediment was entering the stream. Staff on-site informed us that road and silt fence was installed by "others" when the millhouse was dissembled and removed, however, as we informed them; when you assume control over a site you are responsible for the entire site, particularly where previous BMP's were installed, in order to insure they were installed properly and have been maintained as such. In this instance, that was clearly not the case.

When Everett arrived on site Tuesday morning, June 24, 2014 at approximately 10:30 AM, he observed mud on Sanders Road at the Lake Alice entrance, rills in the slopes leading down to the stream banks and streams, and fresh sediment in the stream below the site. Several of the hay bales had been washed away and were located within and along the stream, several hundred feet downstream of the site. In fact, at least one hay bale was washed down the entire area upstream of Sanders Road, through the culvert and into Little Ridge Creek in Lake Lanier, over 1000 feet from the site. Had these hay bales been staked at or above the high water mark, as per USACOE instruction, they should not have been washed away. Tony Campbell of the GAEPD was with Everett during this site visit and can attest to these facts. Everett also has pictures to document this information. Everett then returned to the office, prepared a Stop Work Order (SWO), returned to the site and delivered the SWO to Brian Wellington, which allowed them to work on their ESC BMP's but prevented them from continuing land disturbance activities until these deficiencies were corrected. To my knowledge there was no discussion of specific timeframe when these measures would be corrected and the site ready for reinspection. All of the "fixes" they mentioned below were, in fact, not suggested by the contractor but were suggested by Everett and Tony during their joint inspection. Tony also suggested that the ESC plan be reviewed and any changes in it be sent to him. Since that has not been done as of this date, I can only expect that Brian Wellington is satisfied with his plan and does not propose any changes to it.

Brad Boyer was on-site during the June 19 site visit. He was also on-site daily Monday thru Friday of last week during the demolition of the northern abutment and is preparing me a summary report, including photographs, which he will send to me on Monday. He was also on-site this week Monday, Wednesday, will be there today, has observations and photographs, which he will also include in his summary report. Michael Hom, EPA Enforcement Inspector, will be at our office on Monday morning to review our file information and then will accompany Everett to the site for an inspection.

During my site visit with Tony Campbell yesterday from 10:32 AM to 10:55 AM, I walked the and looked at the site. I informed Nicholas DiLuzio and Brian Wellington of Newfields by telephone yesterday that they can resume non land disturbing activities on the southern abutment, such as cutting and removing trees from it. I don't know what "necessary testing to design the weir" entails, but if it's simply soil boring they could do that also. I also informed them, that Everett will be back on-site Monday to review their reinstalled BMP's and the status of his SWO. At no time did I state to either Nicholas DiLuzio or Roger Daniels of American Environmental Construction Services, Inc. that I "found the site in full compliance." I cannot speak to what Tony Campbell told them, but since it's the City's SWO and not the GAEPD's, his comments are irrelevant as to the SWO status.

As the Local Issuing Authority under the Georgia Water Quality Control Act (Act), the City has the authority to issue a SWO for stormwater discharge violations according to the Act. In Everett's opinion those violations occurred and a SWO was warranted. As mentioned previously above, in Everett's opinion, their BMP's were either not designed, installed or maintained properly.

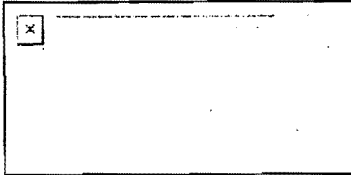
Please let me know if you have any questions.

Thanks,
Scott

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

From: Dana B. Miles [mailto:dmiles@mphtlaw.com]
Sent: Thursday, June 26, 2014 5:19 PM
To: Scott Morgan
Subject: FW: Lake Alice Remediation - Stop Work Order

Dana B. Miles
Miles Patterson Hansford Tallant, LLC
202 Tribble Gap Road, Suite 200
Cumming, GA 30040
770-781-4100
dmiles@mphtlaw.com



From: Jennifer Pennington [mailto:jlp@carvalholawfirm.com]
Sent: Thursday, June 26, 2014 5:17 PM
To: Dana B. Miles; Kevin Tallant
Cc: Michael Carvalho; Erin Pinder
Subject: Lake Alice Remediation - Stop Work Order

Dana,

We are writing to request your immediate attention to a time sensitive matter. As you may know, on June 24, 2014, Inspector Everett Thompson issued a Stop Work Order ("SWO") at the Lake Alice dam remediation site based on the alleged release of sediment into State and U.S. waters. The Code of Ordinances for the City of Cumming authorizes the LIA to issue an immediate stop-work order when "significant amounts of sediment ... have been or are being discharged into state waters and where [BMPs] have not been properly designed, installed, and maintained." However, there is **no evidence** that significant amounts of sediment were discharged into state/U.S. waters at the Lake Alice site, nor was Mr. Thompson able to identify any BMPs on the Lake Alice dam site that had been improperly designed, installed and/or maintained.

In fact, at around 2.30 p.m. on June 23, 2014, it rained at the dam site. Prior to the rain event, all slopes had been matted, seeded, and strawed. Double row silt fence had also been installed per the dam demolition plan along the entire perimeter of the site and the entire site was covered with matting, seeded and strawed. The additional BMPs discussed during the meeting with GAEPD, USACE and Scott Morgan on June 17, 2014, had been installed with the exception of one control measure that was being transported to the site. Following the rain event, Dr. Wellington performed a site inspection and found that no sediment had left the site and no significant discharge of sediment to State/U.S. waters had occurred. As such, we maintain that the SWO was improperly issued.

Nonetheless, Dr. Wellington and our contractor suggested several "fixes" to address Mr. Thompson's allegation that sediment had been released from the site. Mr. Thompson agreed to lift the SWO if the following activities were completed:

- Install a construction entrance of stone.
- Install silt fence, seed and straw the stock pile.
- Install silt fence at the end of the old spillway.

- Install silt fence on the access road to the east of the excavation area.

These BMPs were installed on the site even though the activities on the dam project site had not discharged sediment from these areas into State/U.S. waters.

At approximately 6 pm yesterday, Dr. Wellington emailed Scott Morgan and GA EPD representatives Jeff Bishop and Tony Campbell stating that the above-described "fixes" had been installed and requesting that the City and GA EPD inspect the site at their earliest convenience. Mr. Morgan and Mr. Campbell inspected the site this morning at approximately 11 am and found that sediment was not being discharged from the site and/or released into waters of the State/US. However, it is our understanding that Mr. Morgan refused to lift the SWO, stating that "City policy" requires the SWO to be lifted by the individual who issues the SWO, i.e. Mr. Thompson. Mr. Thompson will be out of the office on vacation until Monday, June 30th.

Mr. Morgan's current position regarding the SWO is completely unfounded and arbitrary. Nothing in the City's Ordinances, State law or policy or any other legal authority authorizes Mr. Morgan to unilaterally prohibit us from proceeding with the dam demolition work at this point. We have fulfilled the baseless requirements imposed by Mr. Thompson. GA EPD and Mr. Morgan himself have found the site in full compliance. Yet, the SWO remains in place prohibiting us from conducting necessary testing to design the weir, not to mention the added cost and expense of having our consultants and equipment standing idle on the site for days.

Please contact me or Mike as soon as possible to discuss this matter. My cell phone number is listed below and Mike's cell phone number is 770-598-4514.

Thank you.

Jennifer L. Pennington, Esq.
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CARVALHO & ASSOCIATES specializes in civil litigation, environmental and energy law, real estate and business matters. For more information about our law practice, please visit: www.carvalholawfirm.com

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Pearce, Jennifer

From: Hom, Michael
Sent: Friday, July 25, 2014 7:16 AM
To: Bouma, Stacey; Hicks, Matt
Subject: FW: RE:Lake Alice

fyi

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 4:50 PM
To: 'Campbell, Tony'; Jeffery.Bishop@dnr.state.ga.us
Cc: Hom, Michael; Everett Thompson
Subject: RE: RE:Lake Alice

According to General Permit No. GAR100001, Part I.C.1.c., coverage under the Permit is not required for discharges of storm water associated with minor (less than 1 acre) land disturbing activities conducted outside of the 25 foot buffer along the banks of State waters, however; this disturbance has occurred within the 25 foot buffer and, therefore, is covered under the Permit and does require an NOI.

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 24, 2014 4:19 PM
To: Scott Morgan
Subject: RE: RE:Lake Alice

Sorry, I have been out of town.

No project less than one acre is required to have permit coverage.

If a project is within 200' of State Waters, a plan is required that meets (Green Book Standards), not professionally prepared, but no permit is required.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Thursday, July 17, 2014 8:19 AM
To: Campbell, Tony
Subject: RE: RE:Lake Alice

I am confused. According to Mike Hom, this project needs to be under a General Permit. Are you saying that is not correct?

----- Original message -----

From: "Campbell, Tony"
Date: 07/16/2014 16:24 (GMT-05:00)
To: Scott Morgan

Subject: RE: RE:Lake Alice

Yes as far as permitting goes.

Within 200' requires a BMP plan but not a permit.

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]

Sent: Wednesday, July 16, 2014 3:26 PM

To: Campbell, Tony

Cc: Bishop, Jeffery

Subject: RE: RE:Lake Alice

Tony, since this work is within 200' of State waters, is it relevant how much land has been disturbed? Scott

----- Original message -----

From: "Campbell, Tony"

Date: 07/15/2014 14:20 (GMT-05:00)

To: Brian Wellington, "Bishop, Jeffery", "Hammonds, Justin A SAS", Scott Morgan

Subject: RE: RE:Lake Alice

Brian,

Can you tell what how much land disturbance has taken place at this point?

Thanks, Tony

From: Brian Wellington [<mailto:bwellington@newfields.com>]

Sent: Monday, July 14, 2014 3:08 PM

To: Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Campbell, Tony

Subject: RE: Lake Alice

Gentlemen,

This is to inform you that we plan to start our Geotechnical Investigations tomorrow at 10am. The plan is still tentative but I should be able to confirm by close of business today.

Brian

Brian Wellington, Ph.D., P.E.

NewFields

Two Midtown Plaza

1349 W. Peachtree St. Suite 2000

Atlanta, GA 30309

Ph: (404)969-0987

Fax: (404)969-0988

www.newfields.com



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Pearce, Jennifer

From: Bouma, Stacey
Sent: Wednesday, July 30, 2014 5:55 PM
To: Hom, Michael
Subject: FYI...FW: Lake Alice Site - from Justin Hammonds - USACE (UNCLASSIFIED)
Attachments: image001.png

-----Original Message-----

From: Hammonds, Justin A SAS [mailto:Justin.A.Hammonds@usace.army.mil]
Sent: Wednesday, July 30, 2014 4:59 PM
To: Bouma, Stacey
Subject: FW: Lake Alice Site (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

FYI

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Thursday, June 26, 2014 6:05 AM
To: Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; 'Everett Thompson'; bboyer@schnabel-eng.com; Cooley, James; Campbell, Tony
Subject: [EXTERNAL] RE: Lake Alice Site

Gentlemen,

The website has been updated with photographs of the demolition work. To view pictures for a given date, click on the Images tab and select the date you are interested in.

http://apollo.newfields.com/lake_alice/home.php

If you have any problems getting on the site please let me know.

Brian

Brian Wellington, Ph.D., P.E.

NewFields

Two Midtown Plaza

1349 W. Peachtree St. Suite 2000

Atlanta, GA 30309

Ph: (404)969-0987

Fax: (404)969-0988

www.newfields.com <<http://www.newfields.com/>>

cid:image001.png@01CD758A.9BDD2330

The material contained in this e-mail is intended for the named recipients only. It may contain privileged and confidential information. If you are not the intended recipient(s) you must not copy or distribute, take any action in reliance upon, or disclose any details contained in the e-mail to any person. If you have received this e-mail in error, please destroy (delete and remove from your server) it immediately and contact us at (404) 347-9050.

Classification: UNCLASSIFIED

Caveats: NONE

Pearce, Jennifer

From: Hom, Michael <Hom.Michael@epa.gov>
Sent: Wednesday, July 02, 2014 5:58 PM
To: Kwan, Kenneth; Ireland, Sean; Bouma, Stacey; Hicks, Matt
Cc: Hom, Michael
Subject: Hom, Michael has shared 'Lake Alice'

As fyi, video, and general information concerning the Lake Alice project that the City of Cumming requested our assistance on. Although I was the only one available to go to the site, the workgroup needs to decide who should take "point".

Go to Lake Alice

Pearce, Jennifer

From: Everett Thompson <e.thompson@cityofcumming.net>
Sent: Thursday, July 17, 2014 10:13 AM
To: 'Tony Campbell'
Cc: s.morgan@cityofcumming.net; dmiles@mphtlaw.com; Hom, Michael
Subject: Lake Alice

Tony,

It seems to me that the discussion about whether or not the disturbed area is equal to or greater than one acre is not really the issue. A general permit would still be required under section C (Eligibility) sub-section 1.c. where the a general permit would be required even for "repair" since the work was done inside the state buffers. The city had to get a permit to work in the buffers under consent order at the Aquatic Center. To my knowledge nothing has changed that would require the same on this project. In the interim more sediment is being washed into the stream and the cove. This is something we all seem to agree on.

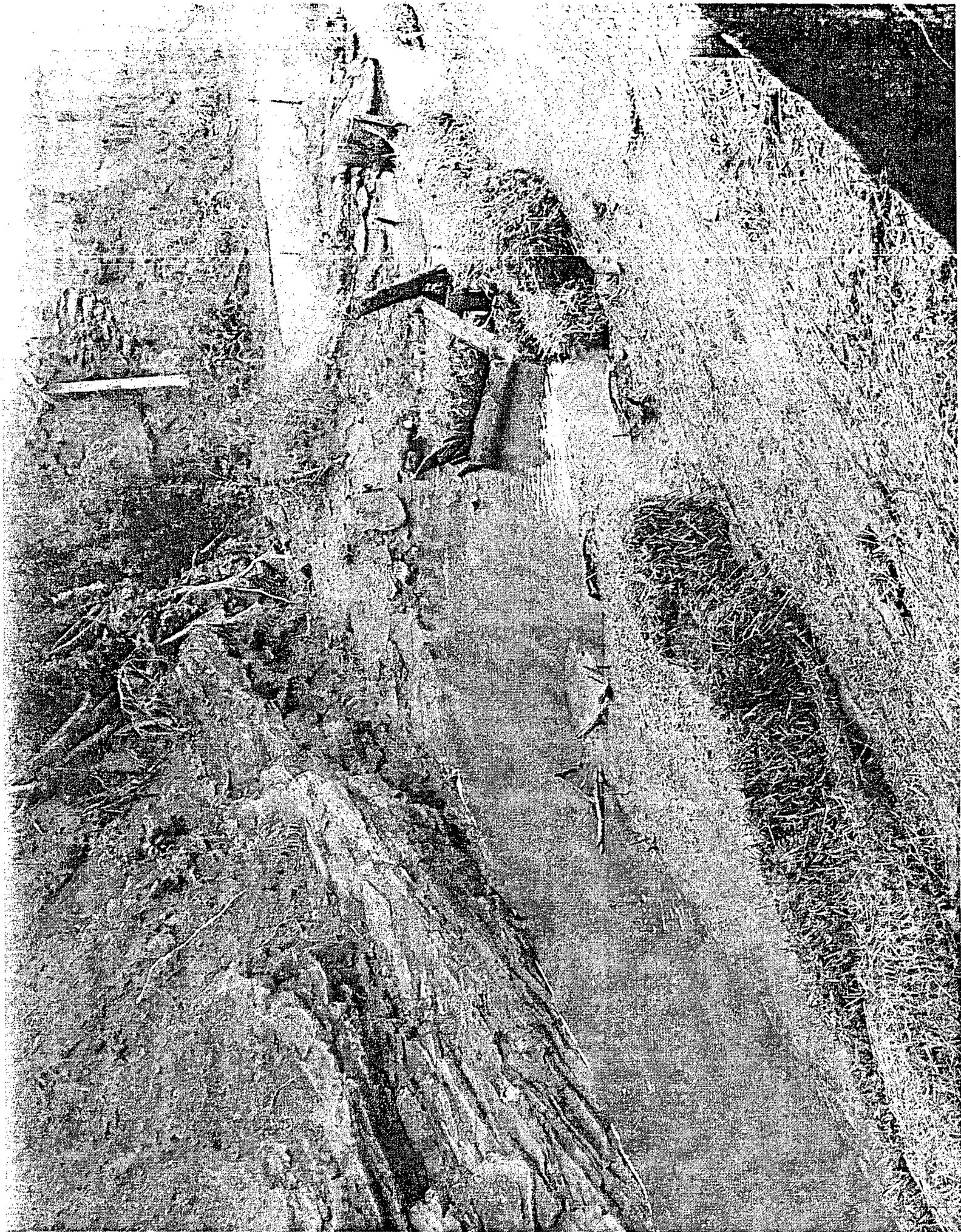
Everett Thompson
City of Cumming
Bldg. Official
e.thompson@cityofcumming.net
770-781-2024

Pearce, Jennifer

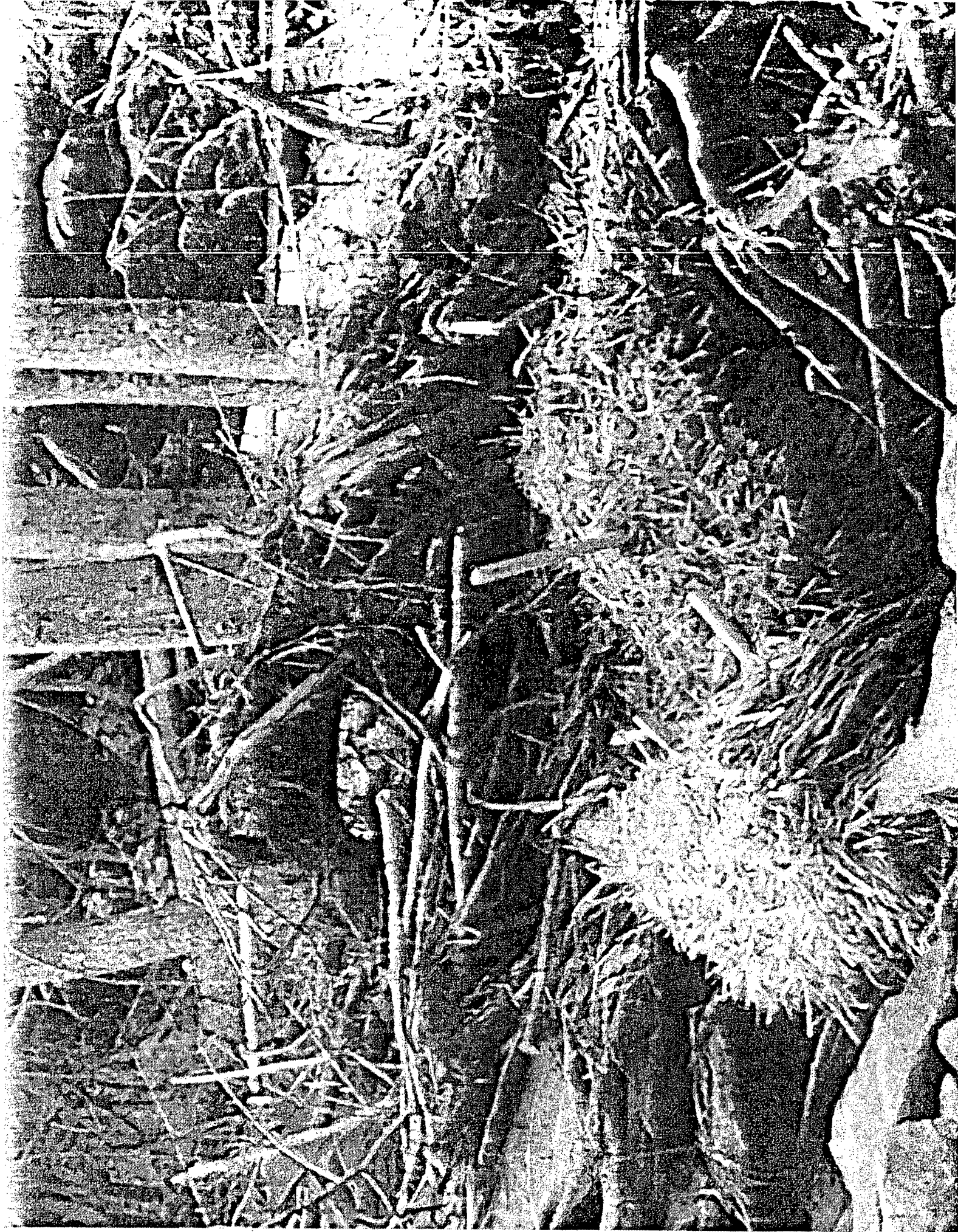
From: Everett Thompson <e.thompson@cityofcumming.net>
Sent: Tuesday, July 01, 2014 9:20 AM
To: Hom, Michael
Subject: Lake Alice Cumming Ga
Attachments: 003.JPG; 007.JPG; 010.JPG; 015.JPG; lake alice coe letter.pdf; lake alice epd letter_0001.pdf

Here are the documents and pics we discussed on 6-30-14. Please see attached.

Everett Thompson
City of Cumming
Bldg. Official
e.thompson@cityofcumming.net
770-781-2024









DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
1025 BUFORD DAM ROAD
BUFORD, GEORGIA 30515

REPLY TO
ATTENTION OF:

June 6, 2014

Regulatory Division
SAS-2014-00424

Ms. Jennifer Pennington, Esq.
Carvalho & Associates, P.C.
707 Whitlock Avenue, Suite E-19
Marietta, Georgia 30064

Mr. Kevin Tallant
Miles Patterson Hansford Tallant, LLC
202 Tribble Gap Road, Suite 200
Cumming, Georgia 30040

Dear Ms. Pennington and Mr. Tallant:

I refer to the letter, dated May 13, 2014, and the electronic mail and revised plan, dated June 2, 2014, submitted on behalf of the Mashburn Family and the City of Cumming by Mr. Brian Wellington of Newfields concerning the demolition of the Lake Alice Dam in City of Cumming, Forsyth County, Georgia. This project has been assigned number SAS-2014-00424 and it is important that you refer to this number in all communication concerning this matter.

We have completed a Jurisdictional Determination (JD) for the site pursuant to the June 5, 2007, "US Army Corps of Engineers (USACE) JD Form Instructional Guidebook." I have enclosed an "Approved JD Form," which details how the U.S. Army Corps Engineers determined jurisdiction and a "JD Check Sheet," which summarizes the JD, delineation verification and appeals process.

After reviewing all information made available to us, it appears that no fill would be placed in any jurisdictional waters of the US. Therefore, I have determined that no Department of the Army Permit will be required for the proposed dam demolition under Section 404 of the Clean Water Act.

This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property or invasion of rights, or any infringement of federal, state, local laws or regulations. It does not obviate the requirement to obtain state or local assent required by law for the activity described herein. It does not affect your liability for damages that may be caused by the work, nor does it authorize any interference with any existing or proposed federal project. If this information you have submitted, and on which the U.S. Army Corps of

Engineers has based its determination is later found to be in error, this decision may be revoked.

Revisions to your proposal may invalidate this determination. Should your plans change, or you encounter wetland areas during your construction, please contact this office so that we may determine if Department of the Army Authorization is required.

Copies of this letter are being provided to the following parties: Mr. Brian Wellington, Newfields, 1349 West Peachtree Street, Suite 2000, Atlanta, Georgia 30309.

Thank you in advance for completing our on-line Customer Survey Form located at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office.

If you have any questions, please call Justin A. Hammonds, Project Manager, Multi-Purpose Branch, at 678-804-5227.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin A. Hammonds". The signature is stylized with a large, looped initial "J" and a cursive script for the rest of the name.

Justin A. Hammonds
Project Manager, Multi-Purpose Branch

Enclosures

Georgia Department of Natural Resources
Environmental Protection Division

Mountain District Office, 16 Center Road, Cartersville, Georgia 30121

Judson H. Turner, Director

Phone: (770) 387-4900

Fax: (770) 387-4906

Remit Correspondence to:
Post Office Box 3250
Cartersville, Georgia 30120

May 2, 2014

Catherine Mashburn Amos, Trustee
C/O Michael P. Carvalho, Esq.
Carvalho & Associates
707 Whitlock Avenue, Ste E-19
Marietta, GA 30064

City of Cumming
C/O Dana B. Miles
Miles Patterson Hansford Tallant, LLC
202 Tribble Gap Road, Ste 200
Cumming, GA 30040

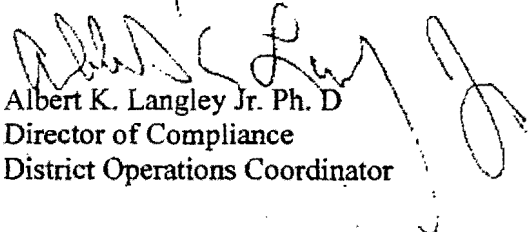
Re: Consent Order
EPD-WQ-5476
Lake Alice and Dam
Forsyth County

Dear Messers Carvalho and Dana Miles:

The Environmental Protection Division (EPD) has received your request along with the plans to do construction activity for Phase one of the Lake Alice Dam Breach Remediation (Phase one). It is EPD's understanding that Phase one is necessary to complete the geotechnical work, which is required to complete the design specifications of the weir structure. Therefore, EPD concurs with your request to perform this work.

However, after conversations with Brian Wellington, Ph.D., P.E. it is EPD's understanding that a complete set of Plans for the Lake Alice Dam Breach Remediation will be available by May 30, 2014. It is also EPD's understanding that plans to remediate sediment impacts have already been completed. Therefore, a complete, revised set of plans in accordance with condition 2 of the above referenced Consent Order should be submitted to the Mountain District Office no later than May 30, 2014. Your cooperation in this matter is appreciated.

Sincerely,


Albert K. Langley Jr. Ph. D
Director of Compliance
District Operations Coordinator

Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 4:03 PM
To: Hom, Michael
Cc: Everett Thompson
Subject: Lake Alice dam demolition SWO
Attachments: img055.pdf

Mike,

Per your request, attached is a copy of our SWO.

I am meeting Jeff Bishop of GAEPD tomorrow morning on-site and will communicate EPA's position on this matter.

After communications with USACOE and GAEPD staff, in my opinion enforcement in this situation will have to come from your office.

Please let me know if you need anything else.

Thanks,
Scott

Scott H. Morgan, Director

Cumming Department of Planning & Zoning

100 Main Street

Cumming, Georgia 30040

(O) 770-781-2024

(F) 770-781-2029

s.morgan@cityofcumming.net

Your message is ready to be sent with the following file or link attachments:

img055.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

STOP WORK ORDER

PERMIT NUMBER 2014201

VIOLATION: Release of sediment into state waters and waters of the U.S. per USCOE determination.

All work must be stopped immediately. Failure to comply will result in the issuance of a citation by the City of Cumming. Only work performed to correct the problems noted above can be continued under this stop work order. Work can continue only after inspection and release of SWO by the Building Official of the City of Cumming.

Everett Thompson

City of Cumming Building Official

770-781-2024

e.thompson@cityofcumming.net

Inspector Everett Thompson

Date June 24, 2014

Trip Summary
Lake Alice Dam Demolition Project
Cumming, GA
June 30, 2014

At the request of the City of Cumming, GA. Planning and Zoning Department, EPA visited the project site to assist the City in assessing erosion and sedimentation control (ESC) measures. I met Mr. Everett Thompson, Chief Building Official, at approximately 9:35AM at City Hall. Mr. Thompson provided a brief history of the dam breach and the resulting damage downstream to Lake Lanier. In addition, Mr. Thompson indicated the City and the Mashburn Family Trust, the property owner of the dam, entered into a consent order with Georgia EPD, to assess the impact, develop a remediation plan, and to implement the plan after approval by Georgia EPD and the US Army Corps of Engineers.

The Mashburns hired NewFields as consultants to develop the remediation plan and proposed 2 phases. Phase One is to demolish remnants of the dam structure and to conduct soil borings. Phase Two is to design and construct a weir structure that would be anchored into bedrock.

I asked Mr. Thompson if the project has coverage under the Georgia general stormwater construction permit, given that the City of Cumming is the Local Issuing Authority (LIA). Although the City issued a land disturbing (grading) permit, it is the impression of Mr. Thompson that the project did not need coverage because of the consent order. I expressed my doubts on the explanation. Mr. Thompson expressed initial concerns also, and did not want to issue a City permit until ESC measures of the 2 phases of the remediation plan were properly reviewed and approved. However, Mr. Thompson indicated that the City did not want to appear to be delaying the progress and was told to issue a grading permit.

Mr. Thompson had indicated that he issued the contractor a stop work order recently after a rainfall event in which some of the ESC measures had failed and additional sediments were lost. Mr. Thompson showed me jpg pictures of hay bales downstream from the project site.

I asked Mr. Thompson why and what he envision EPA's role in this, given the stormwater program is delegated to the state and the City was approved as the LIA. He expressed his frustration because EPD and the Corps are giving the appearance of "hands off" and not giving support to the City. He would like EPA's oversight of the project because of the potential loss of additional sediment (he indicated that someone said, and he did not identified who, that the additional sediment loss from the project would make little difference since there were already sediments downstream due to the breach).

I asked for copies of all relevant documents from Mr. Thompson, and agreed to send via email. We then proceeded to the project site. The weather was cloudy and temperatures were in the mid 70's.

At approximately 10:45am, Mr. Thompson and I arrived on site, and met Mr. Nicolas DiLuzio with Newfields, Mr. Brink Miller and another individual (I did not get his name) with American Environmental & Construction Services. I showed my EPA inspection credentials and asked for a tour of the site and the

description of the ESC measures in place. Documentation of the site visit was videoed via Samsung Digital Camcorder SC-MX20R/XAA (the video files are on the OneDrive).

During the closing interview, I asked Mr. DiLuzio if I could get pdf versions of the ESC plans and he agreed.

In addition to the project site, Mr. Thompson showed me some of the stormwater ponds of the individual developments and then returned to his office.

I later met Mr. Scott Morgan, the Department Director and discussed much of the same concerns that Mr. Thompson had expressed. I left City Hall at 12:03PM.

Michael Hom

Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Monday, June 30, 2014 6:18 PM
To: Hom, Michael
Cc: Bouma, Stacey; Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Mike,

Thanks for meeting with us today. We certainly hope you can help us with this situation. We look forward to hearing from you.

Scott

----- Original message -----

From: "Hom, Michael"
Date: 06/26/2014 17:12 (GMT-05:00)
To: s.morgan@cityofcumming.net
Cc: "Bouma, Stacey"
Subject: FW: Lake Alice dam demolition

Mr. Morgan,

To confirm our conversation, I will call Everett Monday morning to arrange a file review and site visit. We are available to provide any assistance that we can provide. My contact info is below.

Mike

Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9748 office
404-562-9729 fax

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From: Bouma, Stacey
Sent: Thursday, June 26, 2014 12:52 PM
To: Hom, Michael
Subject: FW: Lake Alice dam demolition

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Thursday, June 26, 2014 11:59 AM

To: Bouma, Stacey
Subject: Lake Alice dam demolition

Ms. Bouma:

At the request of the GAEPD and the USACOE, I need to discuss a matter with you regarding the above-referenced project. I contacted Mr. Ireland but understand he will be out of the office until Monday, June 30th.

Please contact me at your earliest convenience.

Thank you.

Scott H. Morgan, Director

Cumming Department of Planning & Zoning

100 Main Street

Cumming, Georgia 30040

(O) 770-781-2024

(F) 770-781-2029

s.morgan@cityofcumming.net

Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Monday, July 14, 2014 3:06 PM
To: Hom, Michael
Cc: Bouma, Stacey
Subject: RE: FW: Lake Alice dam demolition

Mike,

Do you require additional information from us? Have you decided how this project needs to be permitted? We would appreciate some guidance.

Thanks,

Scott

----- Original message -----

From: "Hom, Michael"
Date: 07/09/2014 08:08 (GMT-05:00)
To: Scott Morgan
Cc: "Bouma, Stacey"
Subject: RE: FW: Lake Alice dam demolition

Hi Scott,

I spoke to Tony Campbell at EPD yesterday and discussed the demolition project. I asked if this project should have been covered under the Georgia general construction stormwater permit since the project area is > 1 acre and Tony agreed. He told me he was going to contact either you or Everett concerning a NOI submittal. At least, if subject to the general permit, the project would require a more specific BMP plan, formalized inspections and corrections within a specific timeframe.

We also discussed additional E&S control measures, and I expressed my concerns of the steep slope on the southern side of the creek, the possibility of installing a rock filter dam where the proposed weir will be, as well as the creek embankment that Everett pointed out during our site visit. Tony indicated that he also suggested the rock filter dam as a temporary measure.

I have received a copy of the EPD and Corps approval letters and some jpg files from Everett. If there are additional documents that may be helpful, copies would be appreciated.

I also left a voicemail message with Justin Hammonds at the Corps.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, July 08, 2014 7:06 PM
To: Hom, Michael
Cc: Bouma, Stacey
Subject: RE: FW: Lake Alice dam demolition

Mike,

Did Everett send you all of our file information? Have you had an opportunity to talk with EPD? Do you have any recommendations as to additional measure(s) the site needs to be incorporating? Thanks,

Scott

----- Original message -----

From: "Hom, Michael"
Date: 06/26/2014 17:12 (GMT-05:00)
To: s.morgan@cityofcumming.net
Cc: "Bouma, Stacey"
Subject: FW: Lake Alice dam demolition

Mr. Morgan,

To confirm our conversation, I will call Everett Monday morning to arrange a file review and site visit. We are available to provide any assistance that we can provide. My contact info is below.

Mike

Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9748 office

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Sent: Thursday, June 26, 2014 11:59 AM
To: Bouma, Stacey
Subject: Lake Alice dam demolition

Pearce, Jennifer

From: Bouma, Stacey
Sent: Thursday, July 24, 2014 3:01 PM
To: Hom, Michael
Subject: RE: FW: Lake Alice dam demolition

Let's try and discuss next week once you return to the office after your daughter's visit.

From: Hom, Michael
Sent: Thursday, July 24, 2014 2:56 PM
To: Bouma, Stacey
Subject: FW: FW: Lake Alice dam demolition

Not sure what Scott means by "enforcement". Let's discuss at first opportunity.

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 1:46 PM
To: Hom, Michael
Subject: RE: FW: Lake Alice dam demolition

I regret you have not received it and will send it today, myself, so you will have it upon return to your office.

I will share your position with Jeff Bishop from EPD tomorrow when I meet him on-site.

Please follow-up with me next week because I believe enforcement in this situation will only occur if it comes from your office. Thanks.

----- Original message -----

From: "Hom, Michael"
Date: 07/24/2014 13:02 (GMT-05:00)
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

I have not received your info yet. I've not heard from Ga EPD either. However, my office has been closed this week because of no power and no telephone service.

I was supposed to talk to my supervisor this week also, but again, our building is closed. I expect the EPA's position is still that an NOI is required.

Mike

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 11:39 AM
To: Hom, Michael
Cc: Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Have you received this information? Also, have you spoken further with EPD regarding an NOI for this project? We are meeting them on-site tomorrow. Please let me know. Thanks.

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Tuesday, July 15, 2014 9:07 AM
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

Ok. Also, when you have time, could you send an electronic copy of the City's stop work order and resolution. Thanks.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, July 15, 2014 8:54 AM
To: Hom, Michael
Cc: Bouma, Stacey; Bishop, Jeffery
Subject: RE: FW: Lake Alice dam demolition

In fact, Tony called this morning and will be meeting Everett on - site shortly. Thank you for your assistance in this matter.

----- Original message -----

From: "Hom, Michael"
Date: 07/15/2014 07:57 (GMT-05:00)
To: Scott Morgan
Cc: "Bouma, Stacey"
Subject: RE: FW: Lake Alice dam demolition

Based on your email, I assume Tony has not contacted you yet. I'll call him later and get the project under the general construction stormwater permit.

Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 5:40 PM
To: Hom, Michael
Subject: RE: FW: Lake Alice dam demolition

I sent you a copy of our SWO.

I also copied you on a response to EPD. We disagree with their interpretation that this work does not come under the GP and does not require an NOI.

----- Original message -----

From: "Hom, Michael"
Date: 07/24/2014 13:02 (GMT-05:00)
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

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Mike,

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Thanks,

Scott

----- Original message -----

From: "Hom, Michael"

Date: 07/09/2014 08:08 (GMT-05:00)

To: Scott Morgan

Cc: "Bouma, Stacey"

Subject: RE: FW: Lake Alice dam demolition

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We also discussed additional E&S control measures, and I expressed my concerns of the steep slope on the southern side of the creek, the possibility of installing a rock filter dam where the proposed weir will be, as well as the creek embankment that Everett pointed out during our site visit. Tony indicated that he also suggested the rock filter dam as a temporary measure.

I have received a copy of the EPD and Corps approval letters and some jpg files from Everett. If there are additional documents that may be helpful, copies would be appreciated.

I also left a voicemail message with Justin Hammonds at the Corps.

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Tuesday, July 08, 2014 7:06 PM
To: Hom, Michael
Cc: Bouma, Stacey
Subject: RE: FW: Lake Alice dam demolition

Mike,

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Mr. Morgan,

To confirm our conversation, I will call Everett Monday morning to arrange a file review and site visit. We are available to provide any assistance that we can provide. My contact info is below.

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Water Protection Division
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61 Forsyth Street
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404-562-9729 fax

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From: Bouma, Stacey
Sent: Thursday, June 26, 2014 12:52 PM
To: Hom, Michael
Subject: FW: Lake Alice dam demolition

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Thursday, June 26, 2014 11:59 AM
To: Bouma, Stacey
Subject: Lake Alice dam demolition

Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 11:40 AM
To: Hom, Michael
Cc: Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Importance: High

Have you received this information? Also, have you spoken further with EPD regarding an NOI for this project? We are meeting them on-site tomorrow. Please let me know. Thanks.

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Tuesday, July 15, 2014 9:07 AM
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

Ok. Also, when you have time, could you send an electronic copy of the City's stop work order and resolution. Thanks.

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To: Scott Morgan

Cc: "Bouma, Stacey"

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Mike

Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 1:47 PM
To: Hom, Michael
Subject: RE: FW: Lake Alice dam demolition

I regret you have not received it and will send it today, myself, so you will have it upon return to your office.

I will share your position with Jeff Bishop from EPD tomorrow when I meet him on-site.

Please follow-up with me next week because I believe enforcement in this situation will only occur if it comes from your office. Thanks.

----- Original message -----

From: "Hom, Michael"
Date: 07/24/2014 13:02 (GMT-05:00)
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

I have not received your info yet. I've not heard from Ga EPD either. However, my office has been closed this week because of no power and no telephone service.

I was supposed to talk to my supervisor this week also, but again, our building is closed. I expect the EPA's position is still that an NOI is required.

Mike

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 11:39 AM
To: Hom, Michael
Cc: Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

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Yes, Everett can send you that documentation.

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Clean Water Enforcement Branch
Water Protection Division
EPA, Region 4
61 Forsyth Street
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404-562-9748 office
404-562-9729 fax

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Please contact me at your earliest convenience.

Thank you.

Scott H. Morgan, Director

Cumming Department of Planning & Zoning

100 Main Street

Cumming, Georgia 30040

(O) 770-781-2024

(F) 770-781-2029

s.morgan@cityofcumming.net

Pearce, Jennifer

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Sent: Wednesday, July 09, 2014 1:42 PM
To: Hom, Michael
Cc: Bouma, Stacey; Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Mike,

Thank you for the response and follow-up. We agree about the need for an NO I under the GP. We are also concerned about the steep slopes adjacent to the creek. Please contact Everett if you need additional information from us. We would like you to advise EPD and the USACOE of this since they are both looking to your office for reinforcement regarding this demolition plan.

Scott

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From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Friday, August 01, 2014 12:19 PM
To: Hom, Michael
Cc: Bouma, Stacey; Hicks, Matt; Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Mike, can you give me an update of your review of this project? We are receiving conflicting interpretation from EPD. Some are saying because the disturbance is within 200' of State waters it requires a permit and others say it depends on whether or not disturbance is more than one acre. Tony has asked the permittee to provide a survey of the total disturbed area, which is supposed to be available next week. We believe the disturbed area is greater than one acre. We also believe because the disturbance is within the State buffer the project should come under the GP and require an NOI. Please let me know your staff's thoughts. Thanks, Scott

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Got it. Thanks. I'm confused based on my first conversation with Tony. I had the impression that he agreed that the project required an NOI. All should be back to normal at our office next week, and I will talk to my supervisor and attorney.
Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9748 office
404-562-9729 fax

CONFIDENTIALITY NOTICE

This message is intended exclusively for the individual(s) of entity(s) to which it is addressed. This communication may contain information that is proprietary, privileged, or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy, or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by email and delete all copies of the message.

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 5:39 PM
To: Hom, Michael
Subject: RE: FW: Lake Alice dam demolition

I sent you a copy of our SWO.

I also copied you on a response to EPD. We disagree with their interpretation that this work does not come under the GP and does not require an NOI.

----- Original message -----

From: "Hom, Michael"
Date: 07/24/2014 13:02 (GMT-05:00)
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

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Mike

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 11:39 AM
To: Hom, Michael
Cc: Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Have you received this information? Also, have you spoken further with EPD regarding an NOI for this project? We are meeting them on-site tomorrow. Please let me know. Thanks.

From: Hom, Michael [<mailto:Hom.Michael@epa.gov>]
Sent: Tuesday, July 15, 2014 9:07 AM
To: Scott Morgan
Subject: RE: FW: Lake Alice dam demolition

Ok. Also, when you have time, could you send an electronic copy of the City's stop work order and resolution. Thanks.

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Tuesday, July 15, 2014 8:54 AM
To: Hom, Michael
Cc: Bouma, Stacey; Bishop, Jeffery
Subject: RE: FW: Lake Alice dam demolition

In fact, Tony called this morning and will be meeting Everett on - site shortly. Thank you for your assistance in this matter.

----- Original message -----

From: "Hom, Michael"

Date: 07/15/2014 07:57 (GMT-05:00)

To: Scott Morgan

Cc: "Bouma, Stacey"

Subject: RE: FW: Lake Alice dam demolition

Based on your email, I assume Tony has not contacted you yet. I'll call him later and get the project under the general construction stormwater permit.

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]

Sent: Monday, July 14, 2014 3:06 PM

To: Hom, Michael

Cc: Bouma, Stacey

Subject: RE: FW: Lake Alice dam demolition

Mike,

Do you require additional information from us? Have you decided how this project needs to be permitted? We would appreciate some guidance.

Thanks,

Scott

----- Original message -----

From: "Hom, Michael"

Date: 07/09/2014 08:08 (GMT-05:00)

To: Scott Morgan

Cc: "Bouma, Stacey"

Subject: RE: FW: Lake Alice dam demolition

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I also left a voicemail message with Justin Hammonds at the Corps.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, July 08, 2014 7:06 PM
To: Hom, Michael
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Mike,

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----- Original message -----

From: "Hom, Michael"

Date: 06/26/2014 17:12 (GMT-05:00)

To: s.morgan@cityofcumming.net

Cc: "Bouma, Stacey"

Subject: FW: Lake Alice dam demolition

Mr. Morgan,

To confirm our conversation, I will call Everett Monday morning to arrange a file review and site visit. We are available to provide any assistance that we can provide. My contact info is below.

Mike

Pearce, Jennifer

From: Hom, Michael
Sent: Tuesday, August 05, 2014 9:57 AM
To: 'Scott Morgan'
Cc: Bouma, Stacey; Hicks, Matt; Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Hi Scott,

We spoke to the COE and EPD but Tony is out of the office and we would like to speak to him. We are waiting for the survey results also. Will let you know as soon as possible.

Mike

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Friday, August 01, 2014 12:19 PM
To: Hom, Michael
Cc: Bouma, Stacey; Hicks, Matt; Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

Mike, can you give me an update of your review of this project? We are receiving conflicting interpretation from EPD. Some are saying because the disturbance is within 200' of State waters it requires a permit and others say it depends on whether or not disturbance is more than one acre. Tony has asked the permittee to provide a survey of the total disturbed area, which is supposed to be available next week. We believe the disturbed area is greater than one acre. We also believe because the disturbance is within the State buffer the project should come under the GP and require an NOI. Please let me know your staff's thoughts. Thanks, Scott

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Friday, July 25, 2014 7:15 AM
To: Scott Morgan
Cc: Bouma, Stacey; Hicks, Matt
Subject: RE: FW: Lake Alice dam demolition

Got it. Thanks. I'm confused based on my first conversation with Tony. I had the impression that he agreed that the project required an NOI. All should be back to normal at our office next week, and I will talk to my supervisor and attorney.

Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9748 office

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Mike,

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Thanks,

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Mike

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From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Tuesday, August 05, 2014 11:38 AM
To: Hom, Michael
Cc: Bouma, Stacey; Hicks, Matt; 'Everett Thompson'
Subject: RE: FW: Lake Alice dam demolition

Mike,

Thank you for the response. We have not received the survey information as of today. Look forward to hearing from you.

Scott

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Tuesday, August 05, 2014 9:58 AM
To: Scott Morgan
Cc: Bouma, Stacey; Hicks, Matt; Everett Thompson
Subject: RE: FW: Lake Alice dam demolition

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Mike

Pearce, Jennifer

From: Bishop, Jeffery <Jeffery.Bishop@dnr.state.ga.us>
Sent: Friday, August 01, 2014 2:13 PM
To: Cooley, James; justin.a.hammonds@usace.army.mil; Hom, Michael; Campbell, Tony; Bouma, Stacey
Cc: Langley, Bert
Subject: RE: Lake Alice dam demolition site

I can also be available on the 7th – anytime.

Jeff E. Bishop
Department of Natural Resources
Environmental Protection Division
Mountain District – Atlanta Office
4244 International Parkway, Suite 114
Atlanta, Ga. 30354

Office: 404/362-2659
Fax: 404/362-2712
Cell: 404/772-7758

From: Cooley, James
Sent: Wednesday, July 30, 2014 8:10 PM
To: justin.a.hammonds@usace.army.mil; Hom.Michael@epa.gov; Campbell, Tony; Bishop, Jeffery; Bouma.Stacey@epa.gov
Cc: Langley, Bert
Subject: RE: Lake Alice dam demolition site

The 7th works better for me. Any time that day is good.

Sent from my Android phone using TouchDown (www.nitrodesk.com)

-----Original Message-----

From: Bouma, Stacey [Bouma.Stacey@epa.gov]
Received: Wednesday, 30 Jul 2014, 5:42PM
To: justin.a.hammonds@usace.army.mil [justin.a.hammonds@usace.army.mil]; Hom, Michael [Hom.Michael@epa.gov]; Campbell, Tony [Tony.Campbell@dnr.state.ga.us]; Cooley, James [James.Cooley@dnr.state.ga.us]; Bishop, Jeffery [Jeffery.Bishop@dnr.state.ga.us]
Subject: Lake Alice dam demolition site

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Thanks,
Stacey

Stacey L Bouma
Chief, Stormwater & Residuals Enforcement Section

Pearce, Jennifer

From: Bouma, Stacey
Sent: Friday, August 01, 2014 2:50 PM
To: Bishop, Jeffery; Cooley, James; justin.a.hammonds@usace.army.mil; Hom, Michael; Campbell, Tony
Cc: Langley, Bert
Subject: RE: Lake Alice dam demolition site

I talked with James yesterday and based on that conversation, I'm cancelling the meeting.

From: Bishop, Jeffery [mailto:Jeffery.Bishop@dnr.state.ga.us]
Sent: Friday, August 01, 2014 2:13 PM
To: Cooley, James; justin.a.hammonds@usace.army.mil; Hom, Michael; Campbell, Tony; Bouma, Stacey
Cc: Langley, Bert
Subject: RE: Lake Alice dam demolition site

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Jeff E. Bishop
Department of Natural Resources
Environmental Protection Division
Mountain District – Atlanta Office
4244 International Parkway, Suite 114
Atlanta, Ga. 30354

Office: 404/362-2659
Fax: 404/362-2712
Cell: 404/772-7758

From: Cooley, James
Sent: Wednesday, July 30, 2014 8:10 PM
To: justin.a.hammonds@usace.army.mil; Hom.Michael@epa.gov; Campbell, Tony; Bishop, Jeffery; Bouma.Stacey@epa.gov
Cc: Langley, Bert
Subject: RE: Lake Alice dam demolition site

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Stacey L Bouma
Chief, Stormwater & Residuals Enforcement Section
Water Protection Division
EPA Region 4
(404) 562-9392

Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Wednesday, July 30, 2014 3:16 PM
To: 'Bishop, Jeffery'; Tony Campbell
Cc: Horn, Michael; Everett Thompson
Subject: RE: Lake visit

We saw in Brian's response to Tony they claimed they did not disturb all the matted areas, including the access cut by Sembler to the southern abutment and to the former millhouse location adjacent to the northern abutment. This is similar logic they tried to employ saying they were not responsible for BMP's installed by others on the site, specifically at the toe of the northern spillway, which they filled in during their demolition. They have used both these access drives for their work, which needs to be included in the calculation of disturbed area, and they need to be responsible for maintaining them as the permittee for the site. They need to produce a stamped survey showing all this area, including the stockpile, as the total disturbed area for this site, and we agree with your assessment that it exceeds one acre. Please let us know when they have produced the survey.
Thanks.

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

From: Bishop, Jeffery [mailto:Jeffery.Bishop@dnr.state.ga.us]
Sent: Wednesday, July 30, 2014 1:25 PM
To: Scott Morgan
Cc: Campbell, Tony
Subject: RE: Lake visit

In my review of the memos, the last one about emergency repairs and the one on maintenance before it when there is a non-erodible drainage structure seem to get close to our situation at Lake Alice but not completely. I think the bottom line is that the "within 200' of state waters" criteria seems to not be a factor but certainly if the disturbance is equal to or greater than one acre then an NOI is needed. I think they originally intended to remain below the acre threshold but have likely gone over it now. A survey should show.
Thanks

Jeff E. Bishop
Department of Natural Resources
Environmental Protection Division
Mountain District – Atlanta Office
4244 International Parkway, Suite 114
Atlanta, Ga. 30354

Office: 404/362-2659
Fax: 404/362-2712
Cell: 404/772-7758

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Wednesday, July 30, 2014 12:34 PM
To: Bishop, Jeffery
Subject: RE: Lake visit
Importance: High

Jeff, I was not able to locate the memo you referenced in our conversation last week. Can you either direct me specifically to it or send it to me? Thanks, Scott

From: Bishop, Jeffery [<mailto:Jeffery.Bishop@dnr.state.ga.us>]
Sent: Wednesday, July 23, 2014 4:03 PM
To: Scott Morgan
Subject: RE: Lake visit

Can we meet at the entrance to the Mashburn property at Sanders Rd?

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Wednesday, July 23, 2014 3:21 PM
To: Bishop, Jeffery
Cc: Everett Thompson (e.thompson@cityofcumming.net)
Subject: RE: Lake visit

Sounds good, see you then.

----- Original message -----

From: "Bishop, Jeffery"
Date: 07/23/2014 14:59 (GMT-05:00)
To: "Scott Morgan (s.morgan@cityofcumming.net)"
Cc: "Everett Thompson (e.thompson@cityofcumming.net)"
Subject: Lake visit

How about Friday morning around 10 am?

Jeff E. Bishop

Department of Natural Resources

Environmental Protection Division

Mountain District – Atlanta Office

4244 International Parkway, Suite 114

Atlanta, Ga. 30354

Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Thursday, July 24, 2014 4:50 PM
To: 'Campbell, Tony'; Jeffery.Bishop@dnr.state.ga.us
Cc: Hom, Michael; Everett Thompson
Subject: RE: RE:Lake Alice

According to General Permit No. GAR100001, Part I.C.1.c., coverage under the Permit is not required for discharges of storm water associated with minor (less than 1 acre) land disturbing activities conducted outside of the 25 foot buffer along the banks of State waters, however; this disturbance has occurred within the 25 foot buffer and, therefore, is covered under the Permit and does require an NOI.

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 24, 2014 4:19 PM
To: Scott Morgan
Subject: RE: RE:Lake Alice

Sorry, I have been out of town.
No project less than one acre is required to have permit coverage.
If a project is within 200' of State Waters, a plan is required that meets (Green Book Standards), not professionally prepared, but no permit is required.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Thursday, July 17, 2014 8:19 AM
To: Campbell, Tony
Subject: RE: RE:Lake Alice

I am confused. According to Mike Hom, this project needs to be under a General Permit. Are you saying that is not correct?

----- Original message -----
From: "Campbell, Tony"
Date: 07/16/2014 16:24 (GMT-05:00)
To: Scott Morgan
Subject: RE: RE:Lake Alice

Yes as far as permitting goes.

Within 200' requires a BMP plan but not a permit.

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Wednesday, July 16, 2014 3:26 PM
To: Campbell, Tony
Cc: Bishop, Jeffery
Subject: RE: RE:Lake Alice

Tony, since this work is within 200' of State waters, is it relevant how much land has been disturbed? Scott

----- Original message -----

From: "Campbell, Tony"

Date: 07/15/2014 14:20 (GMT-05:00)

To: Brian Wellington, "Bishop, Jeffery", "Hammonds, Justin A SAS", Scott Morgan

Subject: RE: RE:Lake Alice

Brian,

Can you tell what how much land disturbance has taken place at this point?

Thanks, Tony

From: Brian Wellington [<mailto:bwellington@newfields.com>]
Sent: Monday, July 14, 2014 3:08 PM
To: Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Campbell, Tony
Subject: RE: Lake Alice

Gentlemen,

This is to inform you that we plan to start our Geotechnical Investigations tomorrow at 10am. The plan is still tentative but I should be able to confirm by close of business today.

Brian

Brian Wellington, Ph.D., P.E.

NewFields

Two Midtown Plaza

1349 W. Peachtree St. Suite 2000

Atlanta, GA 30309

Ph: (404)969-0987

Fax: (404)969-0988

www.newfields.com



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Pearce, Jennifer

From: Campbell, Tony <Tony.Campbell@dnr.state.ga.us>
Sent: Wednesday, August 20, 2014 11:06 AM
To: Scott Morgan; Hom, Michael
Cc: 'Everett Thompson'
Subject: RE: RE:Lake Alice

Scott,

Would you and Everett please call me at your convenience?
I have spoken to Mr. Nelson who made the calculations.
770-324-7724.

Thanks, Tony

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, August 19, 2014 12:11 PM
To: 'Hom, Michael'; Campbell, Tony
Cc: 'Everett Thompson'
Subject: RE: RE:Lake Alice

Mike, that is also our opinion. We will wait to hear from you. Thanks, Scott

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Tuesday, August 19, 2014 11:53 AM
To: Scott Morgan; Bouma, Stacey
Cc: Everett Thompson
Subject: RE: RE:Lake Alice

Scott,

I spoke to Tony this morning and he has forwarded me the same info. I briefly scanned the survey and it appears there are areas not included, but I will discuss with Stacey when she returns to the office.

Mike

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, August 19, 2014 11:50 AM
To: Hom, Michael; Bouma, Stacey
Cc: Everett Thompson
Subject: FW: RE:Lake Alice

Mike,

Attached is a survey of the disturbed area of the dam demolition. We cannot certify as to its accuracy. You may want to contact Tony Campbell, who has inquired if the survey is complete.

Please let me know how you propose to proceed with the GP requirements in light of this information.

Thanks,
Scott

Scott H. Morgan, Director
Cumming Department of Planning & Zoning

100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

-----Original Message-----

From: Brian Wellington [<mailto:bwellington@newfields.com>]
Sent: Tuesday, August 12, 2014 2:30 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Tony,
Attached is the topographic survey showing the disturbed areas.
Brian

Brian Wellington, Ph.D., P.E.
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-----Original Message-----

From: Campbell, Tony [<mailto:Tony.Campbell@dnr.state.ga.us>]
Sent: Thursday, July 31, 2014 11:04 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Thanks

-----Original Message-----

From: Brian Wellington [<mailto:bwellington@newfields.com>]
Sent: Thursday, July 31, 2014 10:58 AM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Tony,

We had a surveyor out at the site yesterday. He should have the drawings ready sometime next week.

Brian Wellington, Ph.D., P.E.

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-----Original Message-----

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]

Sent: Thursday, July 31, 2014 10:56 AM

To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)

Cc: Cooley, James

Subject: RE: RE:Lake Alice

Brian,

When can you have the requested information to us?

Tony

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]

Sent: Monday, July 28, 2014 9:05 AM

To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)

Cc: Cooley, James

Subject: RE: RE:Lake Alice

A lot of the straw you are seeing was placed on areas we didn't disturb. Some of it was placed on an access road that Sembler's engineers built to access the south portion of the dam and on an access road that had been built prior to our activities on the north abutment when the old mill house was demolished.

Brian Wellington, Ph.D., P.E.

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-----Original Message-----

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Monday, July 28, 2014 7:46 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Brian,

I understand.

From looking at all the straw it appears to be much more than .3 acres disturbed and in order to represent the family as to permitting needs we will need to see something documenting that the project disturbed < than 1 acre.

Thanks, Tony

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Friday, July 25, 2014 1:30 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Tony,

I need some clarification from you as to exactly what information you require.

I am assuming that you are asking for a boundary survey of the total extent of all areas that we disturbed during the dam demolition i.e. the areas that we excavated, filled, graded, and stockpiled material during the demolition work?

With regard to the questions on the LDA impact has any quantitative data been provided to indicate that greater than an acre of impact has occurred?

I would need to relay this information to the Mashburn family who will have to pay for any additional work that would be required.

Brian

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-----Original Message-----

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 24, 2014 4:25 PM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Brian,

I am going to need something that shows the amount of LDA on a plat.
It is being questioned that the total disturbance is greater than one acre.
Please provide.

Thanks, Tony Campbell

Program Manager
Department of Natural Resources
Environmental Protection Division
Mountain District Office
16 Center Road
Cartersville, Georgia, 30121

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Thursday, July 17, 2014 2:13 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

The stockpile is approximately 0.07 acres

Brian Wellington, Ph.D., P.E.
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Sent: Thursday, July 17, 2014 8:06 AM
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Cc: Cooley, James
Subject: RE: RE:Lake Alice

Thank You

From: Brian Wellington [bwellington@newfields.com]
Sent: Thursday, July 17, 2014 7:53 AM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Yes it does.

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-----Original Message-----

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 17, 2014 7:17 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Does the .3 include all other areas covered with straw?

7

From: Brian Wellington [bwellington@newfields.com]
Sent: Wednesday, July 16, 2014 9:40 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)
Subject: RE: RE:Lake Alice

No it does not include the stock pile area. I will send the dimensions of that to you tomorrow. The plans show the approximate extent of the disturbed area.

Brian Wellington, Ph.D., P.E.
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[cid:image001.png@01CFA13E.9388BCD0]

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Wednesday, July 16, 2014 4:18 PM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)
Subject: RE: RE:Lake Alice

Thanks Brian,

Does that include the area where the waste was placed?
Do you show the dimensions of the disturbed areas on the plan?

Thanks, Tony Campbell

Program Manager
Department of Natural Resources
Environmental Protection Division
Mountain District Office
16 Center Road
Cartersville, Georgia, 30121

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Wednesday, July 16, 2014 12:19 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan
Subject: RE: RE:Lake Alice

Tony,

We have disturbed approximately 0.3 acres. No further land disturbance will occur until we start the weir construction.
Brian

Brian Wellington, Ph.D., P.E.
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[cid:image001.png@01CFA13E.9388BCD0]

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Tuesday, July 15, 2014 2:21 PM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan
Subject: RE: RE:Lake Alice

Brian,

Can you tell what how much land disturbance has taken place at this point?

Thanks, Tony

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Monday, July 14, 2014 3:08 PM
To: Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Campbell, Tony
Subject: RE:Lake Alice

Gentlemen,

This is to inform you that we plan to start our Geotechnical Investigations tomorrow at 10am. The plan is still tentative but I should be able to confirm by close of business today.

Brian

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Pearce, Jennifer

From: Scott Morgan <s.morgan@cityofcumming.net>
Sent: Tuesday, August 19, 2014 12:11 PM
To: Hom, Michael; Tony Campbell
Cc: 'Everett Thompson'
Subject: RE: RE:Lake Alice

Mike, that is also our opinion. We will wait to hear from you. Thanks, Scott

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Tuesday, August 19, 2014 11:53 AM
To: Scott Morgan; Bouma, Stacey
Cc: Everett Thompson
Subject: RE: RE:Lake Alice

Scott,

I spoke to Tony this morning and he has forwarded me the same info. I briefly scanned the survey and it appears there are areas not included, but I will discuss with Stacey when she returns to the office.

Mike

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, August 19, 2014 11:50 AM
To: Hom, Michael; Bouma, Stacey
Cc: Everett Thompson
Subject: FW: RE:Lake Alice

Mike,
Attached is a survey of the disturbed area of the dam demolition. We cannot certify as to its accuracy. You may want to contact Tony Campbell, who has inquired if the survey is complete.
Please let me know how you propose to proceed with the GP requirements in light of this information.
Thanks,
Scott

Scott H. Morgan, Director
Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

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From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Tuesday, August 12, 2014 2:30 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)

Cc: Cooley, James
Subject: RE: RE:Lake Alice

Tony,
Attached is the topographic survey showing the disturbed areas.
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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 31, 2014 11:04 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Thanks

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Thursday, July 31, 2014 10:58 AM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Tony,
We had a surveyor out at the site yesterday. He should have the drawings ready sometime next week.

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Cc: Cooley, James
Subject: RE: RE:Lake Alice

Brian,

When can you have the requested information to us?

Tony

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Monday, July 28, 2014 9:05 AM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

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Cc: Cooley, James
Subject: RE: RE:Lake Alice

Brian,
I understand.

From looking at all the straw it appears to be much more than .3 acres disturbed and in order to represent the family as to permitting needs we will need to see something documenting that the project disturbed < than 1 acre.

Thanks, Tony

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Subject: RE: RE:Lake Alice

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I am assuming that you are asking for a boundary survey of the total extent of all areas that we disturbed during the dam demolition i.e. the areas that we excavated, filled, graded, and stockpiled material during the demolition work?

With regard to the questions on the LDA impact has any quantitative data been provided to indicate that greater than an acre of impact has occurred?

I would need to relay this information to the Mashburn family who will have to pay for any additional work that would be required.

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Cc: Cooley, James

Subject: RE: RE:Lake Alice

Brian,

I am going to need something that shows the amount of LDA on a plat.
It is being questioned that the total disturbance is greater than one acre.
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Program Manager
Department of Natural Resources
Environmental Protection Division
Mountain District Office
16 Center Road
Cartersville, Georgia, 30121

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To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
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Cc: Cooley, James

Subject: RE: RE:Lake Alice

The stockpile is approximately 0.07 acres

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Subject: RE: RE:Lake Alice

Thank You

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(e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Yes it does.

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(e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Does the .3 include all other areas covered with straw?

From: Brian Wellington [bwellington@newfields.com]
Sent: Wednesday, July 16, 2014 9:40 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)
Subject: RE: RE:Lake Alice

No it does not include the stock pile area. I will send the dimensions of that to you tomorrow. The plans show the approximate extent of the disturbed area.

Brian Wellington, Ph.D., P.E.
NewFields

Two Midtown Plaza
1349 W. Peachtree St. Suite 2000
Atlanta, GA 30309
Ph: (404)969-0987
Fax: (404)969-0988
www.newfields.com<<http://www.newfields.com/>>
[cid:image001.png@01CFA13E.9388BCD0]

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Wednesday, July 16, 2014 4:18 PM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Subject: RE: RE:Lake Alice

Thanks Brian,

Does that include the area where the waste was placed?
Do you show the dimensions of the disturbed areas on the plan?

Thanks, Tony Campbell

Program Manager
Department of Natural Resources
Environmental Protection Division
Mountain District Office
16 Center Road
Cartersville, Georgia, 30121

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Wednesday, July 16, 2014 12:19 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan
Subject: RE: RE:Lake Alice

Tony,
We have disturbed approximately 0.3 acres. No further land disturbance will occur until we start the weir construction.
Brian

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Subject: RE: RE:Lake Alice

Brian,

Can you tell what how much land disturbance has taken place at this point?

Thanks, Tony

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Monday, July 14, 2014 3:08 PM
To: Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Campbell, Tony
Subject: RE:Lake Alice

Gentlemen,

This is to inform you that we plan to start our Geotechnical Investigations tomorrow at 10am. The plan is still tentative but I should be able to confirm by close of business today.

Brian

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Pearce, Jennifer

From: Campbell, Tony <Tony.Campbell@dnr.state.ga.us>
Sent: Wednesday, August 20, 2014 10:39 AM
To: Scott Morgan; Hom, Michael
Cc: 'Everett Thompson'
Subject: RE: RE:Lake Alice

I have asked that question to Shirey, Nelson and Associates but have not gotten a response as of now.
I will call them again.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, August 19, 2014 12:11 PM
To: 'Hom, Michael'; Campbell, Tony
Cc: 'Everett Thompson'
Subject: RE: RE:Lake Alice

Mike, that is also our opinion. We will wait to hear from you. Thanks, Scott

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Tuesday, August 19, 2014 11:53 AM
To: Scott Morgan; Bouma, Stacey
Cc: Everett Thompson
Subject: RE: RE:Lake Alice

Scott,

I spoke to Tony this morning and he has forwarded me the same info. I briefly scanned the survey and it appears there are areas not included, but I will discuss with Stacey when she returns to the office.

Mike

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, August 19, 2014 11:50 AM
To: Hom, Michael; Bouma, Stacey
Cc: Everett Thompson
Subject: FW: RE:Lake Alice

Mike,

Attached is a survey of the disturbed area of the dam demolition. We cannot certify as to its accuracy. You may want to contact Tony Campbell, who has inquired if the survey is complete.

Please let me know how you propose to proceed with the GP requirements in light of this information.

Thanks,
Scott

Scott H. Morgan, Director

Cumming Department of Planning & Zoning
100 Main Street
Cumming, Georgia 30040
(O) 770-781-2024
(F) 770-781-2029
s.morgan@cityofcumming.net

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]

Sent: Tuesday, August 12, 2014 2:30 PM

To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)

Cc: Cooley, James

Subject: RE: RE:Lake Alice

Tony,

Attached is the topographic survey showing the disturbed areas.

Brian

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]

Sent: Thursday, July 31, 2014 11:04 AM

To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)

Cc: Cooley, James

Subject: RE: RE:Lake Alice

Thanks

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]

Sent: Thursday, July 31, 2014 10:58 AM

To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)

Cc: Cooley, James

Subject: RE: RE:Lake Alice

Tony,

We had a surveyor out at the site yesterday. He should have the drawings ready sometime next week.

Brian Wellington, Ph.D., P.E.

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 31, 2014 10:56 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Brian,

When can you have the requested information to us?

Tony

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Monday, July 28, 2014 9:05 AM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

A lot of the straw you are seeing was placed on areas we didn't disturb. Some of it was placed on an access road that Sembler's engineers built to access the south portion of the dam and on an access road that had been built prior to our activities on the north abutment when the old mill house was demolished.

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Sent: Monday, July 28, 2014 7:46 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Brian,
I understand.

From looking at all the straw it appears to be much more than .3 acres disturbed and in order to represent the family as to permitting needs we will need to see something documenting that the project disturbed < than 1 acre.

Thanks, Tony

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Friday, July 25, 2014 1:30 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Tony,

I need some clarification from you as to exactly what information you require.

I am assuming that you are asking for a boundary survey of the total extent of all areas that we disturbed during the dam demolition i.e. the areas that we excavated, filled, graded, and stockpiled material during the demolition work?

With regard to the questions on the LDA impact has any quantitative data been provided to indicate that greater than an acre of impact has occurred?

I would need to relay this information to the Mashburn family who will have to pay for any additional work that would be required.

Brian

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 24, 2014 4:25 PM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Brian,

I am going to need something that shows the amount of LDA on a plat.
It is being questioned that the total disturbance is greater than one acre.
Please provide.

Thanks, Tony Campbell

Program Manager
Department of Natural Resources
Environmental Protection Division
Mountain District Office
16 Center Road
Cartersville, Georgia, 30121

-----Original Message-----

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Thursday, July 17, 2014 2:13 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

The stockpile is approximately 0.07 acres

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-----Original Message-----

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 17, 2014 8:06 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Thank You

From: Brian Wellington [bwellington@newfields.com]
Sent: Thursday, July 17, 2014 7:53 AM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Yes it does.

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 17, 2014 7:17 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Does the .3 include all other areas covered with straw?

From: Brian Wellington [bwellington@newfields.com]
Sent: Wednesday, July 16, 2014 9:40 PM

To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)
Subject: RE: RE:Lake Alice

No it does not include the stock pile area. I will send the dimensions of that to you tomorrow. The plans show the approximate extent of the disturbed area.

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Subject: RE: RE:Lake Alice

Thanks Brian,

Does that include the area where the waste was placed?
Do you show the dimensions of the disturbed areas on the plan?

Thanks, Tony Campbell

Program Manager
Department of Natural Resources
Environmental Protection Division
Mountain District Office
16 Center Road
Cartersville, Georgia, 30121

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Subject: RE: RE:Lake Alice

Tony,
We have disturbed approximately 0.3 acres. No further land disturbance will occur until we start the weir construction.
Brian

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Pearce, Jennifer

From: Campbell, Tony <Tony.Campbell@dnr.state.ga.us>
Sent: Wednesday, August 20, 2014 11:06 AM
To: Scott Morgan; Hom, Michael
Cc: 'Everett Thompson'
Subject: RE: RE:Lake Alice

Scott,

Would you and Everett please call me at your convenience?
I have spoken to Mr. Nelson who made the calculations.
770-324-7724.

Thanks, Tony

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, August 19, 2014 12:11 PM
To: 'Hom, Michael'; Campbell, Tony
Cc: 'Everett Thompson'
Subject: RE: RE:Lake Alice

Mike, that is also our opinion. We will wait to hear from you. Thanks; Scott

From: Hom, Michael [mailto:Hom.Michael@epa.gov]
Sent: Tuesday, August 19, 2014 11:53 AM
To: Scott Morgan; Bouma, Stacey
Cc: Everett Thompson
Subject: RE: RE:Lake Alice

Scott,

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Mike

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To: Hom, Michael; Bouma, Stacey
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Mike,

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Thanks,

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s.morgan@cityofcumming.net

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From: Brian Wellington [<mailto:bwellington@newfields.com>]
Sent: Tuesday, August 12, 2014 2:30 PM
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Cc: Cooley, James
Subject: RE: RE:Lake Alice

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Brian,
I understand.

From looking at all the straw it appears to be much more than .3 acres disturbed and in order to represent the family as to permitting needs we will need to see something documenting that the project disturbed < than 1 acre.

Thanks, Tony

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With regard to the questions on the LDA impact has any quantitative data been provided to indicate that greater than an acre of impact has occurred?

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Program Manager
Department of Natural Resources
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Sent: Thursday, July 17, 2014 2:13 PM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

The stockpile is approximately 0.07 acres

Brian Wellington, Ph.D., P.E.
NewFields
Two Midtown Plaza
1349 W. Peachtree St. Suite 2000
Atlanta, GA 30309
Ph: (404)969-0987
Fax: (404)969-0988

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-----Original Message-----

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 17, 2014 8:06 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Thank You

From: Brian Wellington [bwellington@newfields.com]
Sent: Thursday, July 17, 2014 7:53 AM
To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Yes it does.

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-----Original Message-----

From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Thursday, July 17, 2014 7:17 AM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson (e.thompson@cityofcumming.net)
Cc: Cooley, James
Subject: RE: RE:Lake Alice

Does the .3 include all other areas covered with straw?

From: Brian Wellington [bwellington@newfields.com]

Sent: Wednesday, July 16, 2014 9:40 PM

To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)

Subject: RE: RE:Lake Alice

No it does not include the stock pile area. I will send the dimensions of that to you tomorrow. The plans show the approximate extent of the disturbed area.

Brian Wellington, Ph.D., P.E.

NewFields

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1349 W. Peachtree St. Suite 2000

Atlanta, GA 30309

Ph: (404)969-0987

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www.newfields.com<<http://www.newfields.com/>>

[cid:image001.png@01CFA13E.9388BCD0]

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]

Sent: Wednesday, July 16, 2014 4:18 PM

To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Everett Thompson
(e.thompson@cityofcumming.net)

Subject: RE: RE:Lake Alice

Thanks Brian,

Does that include the area where the waste was placed?

Do you show the dimensions of the disturbed areas on the plan?

Thanks, Tony Campbell

Program Manager

Department of Natural Resources

Environmental Protection Division

Mountain District Office

16 Center Road

Cartersville, Georgia, 30121

From: Brian Wellington [mailto:bwellington@newfields.com]

Sent: Wednesday, July 16, 2014 12:19 PM

To: Campbell, Tony; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan

Subject: RE: RE:Lake Alice

Tony,
We have disturbed approximately 0.3 acres. No further land disturbance will occur until we start the weir construction.
Brian

Brian Wellington, Ph.D., P.E.
NewFields
Two Midtown Plaza
1349 W. Peachtree St. Suite 2000
Atlanta, GA 30309
Ph: (404)969-0987
Fax: (404)969-0988
www.newfields.com<<http://www.newfields.com/>>
[cid:image001.png@01CFA13E.9388BCD0]

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From: Campbell, Tony [mailto:Tony.Campbell@dnr.state.ga.us]
Sent: Tuesday, July 15, 2014 2:21 PM
To: Brian Wellington; Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan
Subject: RE: RE:Lake Alice

Brian,

Can you tell what how much land disturbance has taken place at this point?

Thanks, Tony

From: Brian Wellington [mailto:bwellington@newfields.com]
Sent: Monday, July 14, 2014 3:08 PM
To: Bishop, Jeffery; Hammonds, Justin A SAS; Scott Morgan; Campbell, Tony
Subject: RE:Lake Alice

Gentlemen,

This is to inform you that we plan to start our Geotechnical Investigations tomorrow at 10am. The plan is still tentative but I should be able to confirm by close of business today.

Brian

Brian Wellington, Ph.D., P.E.
NewFields
Two Midtown Plaza
1349 W. Peachtree St. Suite 2000
Atlanta, GA 30309
Ph: (404)969-0987
Fax: (404)969-0988
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reliance upon, or disclose any details contained in the e-mail to any person. If you have received this e-mail in error, please destroy (delete and remove from your server) it immediately and contact us at (404) 347-9050.

Pearce, Jennifer

Subject: Lake Alice dam demolition site
Location: Call # 404.562.9928 PIN #: 629928

Start: Wed 8/6/2014 10:00 AM
End: Wed 8/6/2014 10:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Bouma, Stacey

Required Attendees: justin.a.hammonds@usace.army.mil; Hom, Michael; tony.campbell@dnr.state.ga.us;
james.cooley@dnr.state.ga.us; Jeffery.Bishop@dnr.state.ga.us

The purpose of this call is to discuss the Lake Alice dam demolition site and to get a better overall understanding of any concerns related to this site based on everyone's involvement and to work together on a path forward as needed. I appreciate you taking the time to share information during this call. If you have a conflict with this proposed time, please feel free to respond with another time.

Thanks,
Stacey

Stacey L Bouma
Chief, Stormwater & Residuals Enforcement Section
Water Protection Division
EPA Region 4
(404) 562-9392

Pearce, Jennifer

From: Hom, Michael
Sent: Tuesday, July 15, 2014 7:57 AM
To: 'Scott Morgan'
Cc: Bouma, Stacey
Subject: RE: FW: Lake Alice dam demolition

Based on your email, I assume Tony has not contacted you yet. I'll call him later and get the project under the general construction stormwater permit.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Monday, July 14, 2014 3:06 PM
To: Hom, Michael
Cc: Bouma, Stacey
Subject: RE: FW: Lake Alice dam demolition

Mike,
Do you require additional information from us? Have you decided how this project needs to be permitted? We would appreciate some guidance.
Thanks,
Scott

----- Original message -----

From: "Hom, Michael"
Date: 07/09/2014 08:08 (GMT-05:00)
To: Scott Morgan
Cc: "Bouma, Stacey"
Subject: RE: FW: Lake Alice dam demolition

Hi Scott,

I spoke to Tony Campbell at EPD yesterday and discussed the demolition project. I asked if this project should have been covered under the Georgia general construction stormwater permit since the project area is > 1 acre and Tony agreed. He told me he was going to contact either you or Everett concerning a NOI submittal. At least, if subject to the general permit, the project would require a more specific BMP plan, formalized inspections and corrections within a specific timeframe.

We also discussed additional E&S control measures, and I expressed my concerns of the steep slope on the southern side of the creek, the possibility of installing a rock filter dam where the proposed weir will be, as well as the creek embankment that Everett pointed out during our site visit. Tony indicated that he also suggested the rock filter dam as a temporary measure.

I have received a copy of the EPD and Corps approval letters and some jpg files from Everett. If there are additional documents that may be helpful, copies would be appreciated.

I also left a voicemail message with Justin Hammonds at the Corps.

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]

Sent: Tuesday, July 08, 2014 7:06 PM

To: Hom, Michael

Cc: Bouma, Stacey

Subject: RE: FW: Lake Alice dam demolition

Mike,

Did Everett send you all of our file information? Have you had an opportunity to talk with EPD? Do you have any recommendations as to additional measure(s) the site needs to be incorporating? Thanks,

Scott

----- Original message -----

From: "Hom, Michael"

Date: 06/26/2014 17:12 (GMT-05:00)

To: s.morgan@cityofcumming.net

Cc: "Bouma, Stacey"

Subject: FW: Lake Alice dam demolition

Mr. Morgan,

To confirm our conversation, I will call Everett Monday morning to arrange a file review and site visit. We are available to provide any assistance that we can provide. My contact info is below.

Mike

Michael Hom, Environmental Engineer
Clean Water Enforcement Branch
Water Protection Division
EPA, Region 4
61 Forsyth Street
Atlanta, Georgia 30303
404-562-9748 office
404-562-9729 fax

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From: Bouma, Stacey
Sent: Thursday, June 26, 2014 12:52 PM
To: Hom, Michael
Subject: FW: Lake Alice dam demolition

From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]
Sent: Thursday, June 26, 2014 11:59 AM
To: Bouma, Stacey
Subject: Lake Alice dam demolition

Pearce, Jennifer

From: Hom, Michael
Sent: Tuesday, July 15, 2014 9:07 AM
To: 'Scott Morgan'
Subject: RE: FW: Lake Alice dam demolition

Ok. Also, when you have time, could you send an electronic copy of the City's stop work order and resolution. Thanks.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
Sent: Tuesday, July 15, 2014 8:54 AM
To: Hom, Michael
Cc: Bouma, Stacey; Bishop, Jeffery
Subject: RE: FW: Lake Alice dam demolition

In fact, Tony called this morning and will be meeting Everett on - site shortly. Thank you for your assistance in this matter.

----- Original message -----

From: "Hom, Michael"
Date: 07/15/2014 07:57 (GMT-05:00)
To: Scott Morgan
Cc: "Bouma, Stacey"
Subject: RE: FW: Lake Alice dam demolition

Based on your email, I assume Tony has not contacted you yet. I'll call him later and get the project under the general construction stormwater permit.

From: Scott Morgan [mailto:s.morgan@cityofcumming.net]
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To: Hom, Michael
Cc: Bouma, Stacey
Subject: RE: FW: Lake Alice dam demolition

Mike,

Do you require additional information from us? Have you decided how this project needs to be permitted? We would appreciate some guidance.

Thanks,

Scott

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From: "Hom, Michael"

Date: 07/09/2014 08:08 (GMT-05:00)

To: Scott Morgan

Cc: "Bouma, Stacey"

Subject: RE: FW: Lake Alice dam demolition

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From: Scott Morgan [<mailto:s.morgan@cityofcumming.net>]

Sent: Tuesday, July 08, 2014 7:06 PM

To: Hom, Michael

Cc: Bouma, Stacey

Subject: RE: FW: Lake Alice dam demolition

Mike,

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Scott

----- Original message -----

From: "Hom, Michael"

Date: 06/26/2014 17:12 (GMT-05:00)

To: s.morgan@cityofcumming.net

Cc: "Bouma, Stacey"

Subject: FW: Lake Alice dam demolition

Mr. Morgan,

To confirm our conversation, I will call Everett Monday morning to arrange a file review and site visit. We are available to provide any assistance that we can provide. My contact info is below.

Mike

Pearce, Jennifer

From: Hom, Michael
Sent: Thursday, July 17, 2014 2:44 PM
To: Bouma, Stacey
Subject: FW: Lake Alice

Exemption 5 ☒ Predecisional/Deliberative
☐ Attorney work product
☐ Attorney-client privilege

From: Everett Thompson <e.thompson@cityofcumming.net>
Sent: Thursday, July 17, 2014 10:13 AM
To: 'Tony Campbell'
Cc: s.morgan@cityofcumming.net; dmiles@mphtlaw.com; Hom, Michael
Subject: Lake Alice

Tony,
It seems to me that the discussion about whether or not the disturbed area is equal to or greater than one acre is not really the issue. A general permit would still be required under section C (Eligibility) sub-section 1.c. where the a general permit would be required even for "repair" since the work was done inside the state buffers. The city had to get a permit to work in the buffers under consent order at the Aquatic Center. To my knowledge nothing has changed that would require the same on this project. In the interim more sediment is being washed into the stream and the cove. This is something we all seem to agree on.

Everett Thompson
City of Cumming
Bldg. Official
e.thompson@cityofcumming.net
770-781-2024

